

**To:** Bressler, Lindsey[Bressler.Lindsey@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Harrison, Melissa[Harrison.Melissa@epa.gov]; Purchia, Liz[Purchia.Liz@epa.gov]; Hull, George[Hull.George@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Allen, Laura[Allen.Laura@epa.gov]  
**From:** StClair, Christie  
**Sent:** Tue 10/27/2015 3:40:38 PM  
**Subject:** RE: DOI GKM Review Clips

<http://www.abqjournal.com/666125/opinion/king-mine-spill-not-just-an-oops-moment-for-agency.html>

### **Albuquerque Journal: Editorial: King Mine spill not just an Oops! moment for agency**

Tuesday, October 27th, 2015 at 12:02am

A technical report prepared by U.S. Interior Department investigators lays the blame for the massive King Mine spill squarely at the door of the federal agency tasked with keeping the environment safe – the U.S. Environmental Protection Agency.

It's true that had toxic waste from the process of extracting gold almost a century ago not become bottled up in the mine in Colorado, there wouldn't have been a 3 million-gallon disaster waiting to happen.

But that said, it's now clear that the EPA didn't do its due diligence before digging into the mine entrance that was leaking a dangerous stew of contaminated water. That leak became a golden torrent that fouled rivers in three states, including New Mexico, and on the Navajo Nation.

The report, prepared by Bureau of Reclamation engineers, said the spill could have been avoided if the EPA team had not been in a rush and had simply checked on water levels in the mine before digging. It said the crew didn't consider the complex engineering involved.

The report refutes assertions by the EPA after the spill that the blowout would have been "likely inevitable" because pressurized water had been building up inside the mine. EPA documents indicate the agency knew of the potential for such a spill by June 2014, so there is no excuse for the crew not proceeding with caution instead of rushing the job.

The relatively harsh report wasn't adequate for New Mexico Environment Secretary Ryan Flynn, who called out Interior's report for not pinpointing who authorized going ahead with the work.

Had a private company exhibited such a cavalier attitude toward the environment, you can be sure the government – probably the EPA itself – would be pressing for criminal penalties and assessing millions of dollars in fines, instead of characterizing it as an Oops! moment.

It will be interesting to watch the agency's spinmeister backers in Congress dodge and weave around these findings, trying to find someone else to blame.

This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.

<http://www.npr.org/2015/10/27/452163693/colo-gold-king-mine-continues-to-leak-waste-as-winter-sets-in?ft=nprml&f=2,3,46>

**NPR: Colo. Gold King Mine Continues To Leak Waste As Winter Sets In**

OCTOBER 27, 2015

(Audio Only. Includes Steve Way interview.)

<http://www.kob.com/article/stories/s3945226.shtml#.Vi-XBrerRpg>

**KOB: NM Environmental Dept. rips Interior Dept. report on Gold King Mine spill**

*Updated: 10/26/2015 8:01 PM | Created: 10/26/2015 6:22 PM*

*By: KOB.com Web Staff*

New Mexico's Environmental Department says it isn't satisfied with the US Department of the Interior report released last week that blasted the Environmental Protection Agency for the Aug. 5 Gold King Mine spill.

3 million gallons of wastewater poured out of the mine, tainting the Animas River and eventually spilling into the San Juan.

The Dept. of Interior report said that had the EPA checked water levels in the mine before digging, the whole spill could have been avoided.

But the state Environmental Department is challenging the report. In a statement released shortly after the new report was released, officials questioned why names weren't named, and specifically who made the decision that led directly to the spill and why.

Concerning the Dept. of Interior's report, state officials said "the independent investigation appears to be anything but independent."

<http://www.sltrib.com/opinion/3095097-155/editorial-epas-gold-king-failure-is>

**Salt Lake Tribune: Editorial: EPA's Gold King failure is bigger than one mine**

A lot more than three million gallons of yellow sludge washed out of Colorado's Gold King mine in August. It turns out a good chunk of U.S. Environmental Protection Agency's credibility came pouring down, too.

A technical team from the U.S. Department of Interior issued its independent report this week that says EPA, which is in charge of the defunct mine, literally didn't know what it was doing when it started digging with heavy equipment to open a portal in the mine. That led to toxins flowing into rivers in three states, including Utah.

Instead of just poking that fateful hole, the report says, the agency should have first drilled from the top to figure out how much was dammed up behind. That was apparently considered but rejected for cost and time factors, a decision that has now added much more cost and time.

What's more, the report says, this is apparently standard operating procedure for EPA. The report called the Gold King disaster "somewhat emblematic of the current state of practice in abandoned mine remediation."

The spill prompted the usual bombast from Utah's House members about federal incompetence on Western public lands, but about this we must be clear: Congressmen Rob Bishop and Jason Chaffetz were absolutely right. EPA has proven it can't be trusted on this.

And, as a result, Bishop and Chaffetz are within their purview to let their dogs go. They had already questioned EPA turning to another executive branch agency, the Interior Department, for this technical report, and the report only adds impetus for the legislative branch to perform its check-and-balance duties.

The Interior report did not assign blame to any specific individuals, but that had better be coming, given that EPA Administrator Gina McCarthy promised shortly after the spill that EPA would determine any fault and negligence.

The damage caused by EPA goes beyond one spill or even one agency. The negligence or incompetence in this case helps feed the anti-federal sentiment in the Four Corners area that is preventing a rational discussion of public land use.

In reality, this spill is not an argument for less federal land ownership or less federal oversight of abandoned mines, but it's a stark reminder that bureaucracies can fail, and sometimes they fail big. The nation's environmental watchdog needs to be more carefully watched.

**Christie St. Clair**

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**From:** Bressler, Lindsey

**Sent:** Friday, October 23, 2015 4:09 PM

**To:** StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Hull, George <Hull.George@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Allen, Laura <Allen.Laura@epa.gov>

**Subject:** RE: DOI GKM Review Clips

### **E&E News**

<http://www.eenews.net/greenwire/2015/10/23/stories/1060026847>

### **Interior's mine spill report ratchets up pressure on EPA**

Manuel Quiñones, E&E reporter

Published: Friday, October 23, 2015

This story was updated at 3:52 p.m. EDT.

Yesterday's Department of the Interior release of its investigation into this summer's abandoned mine spill in Colorado is intensifying scrutiny of U.S. EPA's role in the accident.

EPA has long pointed to the report as an independent probe into the incident and one that would provide clarity about the agency's work at the Gold King mine site. But EPA critics are only intensifying their questions after its release.

"This report exposes the role the EPA's gross negligence had in triggering a disaster that has culturally and economically devastated the Navajo Nation," said Navajo Nation President Russell Begaye. "The EPA and all responsible parties must be held accountable."

EPA was at Gold King at the request of Colorado regulators to help prevent a polluted water blowout from the abandoned mine site. But agency contractors instead caused 3 million gallons to spill down the Animas and San Juan rivers, affecting several states and tribes.

Yesterday's Bureau of Reclamation report said EPA and its contractor, Environmental Restoration LLC, could have prevented the blowout by conducting more planning and research into the amount of water that had built up.

The report also said EPA could have waited for a Reclamation consultant set to visit the site (E&ENews PM, Oct. 22). And it blames state regulators for an inadequately designed mine portal closure in 2009. The report also lamented a general lack of mine engineering experience in abandoned site reclamation work.

Sen. John Barrasso (R-Wyo.), chairman of the Senate Indian Affairs Committee, said in a statement, "Literally and figuratively, the EPA blew it."

Rep. Lamar Smith (R-Texas), chairman of the House Science Committee, said, "In the aftermath of the spill, EPA attempted to avoid responsibility by claiming the spill was 'inevitable.' However, the Interior Department's report clearly shows this was not the case."

Barrasso went on, "Responsibility for this disaster lands directly on the EPA's doorstep. I want to know who at the EPA will be held accountable for this disaster."

EPA, however, has not said whether it will discipline any staffer. It also has not provided specifics on how it has addressed the issue with its contractor, which has not returned a request for comment on the new report.

In a statement, EPA said workers didn't use a drill rig to explore the amount of accumulated water at Gold King because, according to an internal report, conditions were more difficult and unsafe compared with other sites.

The agency said it requested the Interior report "to provide an independent assessment of factors that contributed to the Aug. 5, 2015, Gold Mine incident. EPA will carefully review the report." The Office of Inspector General is also looking at developments surrounding Gold King.

The agency added, "This report, in combination with the findings of EPA's internal review of the incident, will help inform EPA's ongoing efforts to work safely and effectively at mine sites as we carry out our mission to protect human health and the environment."

But the report's authors noted they did not think their task was to find who was at fault. An Army Corps of Engineers peer reviewer said he would have wanted to see more information about

EPA's handling of Gold King.

The current owner of the Gold King mine site, Todd Hennis, also released a statement in response to the Interior Department report. He has long accused regulators of not listening to his concerns and originally didn't want EPA on his property.

Hennis blames water from other mine sites seeping into Gold King and says EPA made the situation worse by putting backfill material on the mine's entrance.

"The act of placing such a large amount of backfill on the entrance of the Gold King Mine also prevented the pressure of the water from clearing an outlet of the waters naturally," he said.

EPA said the agency has been in contact with Hennis' attorneys. EPA also has taken responsibility for the spill, halted other similar work and promised to compensate those affected. The agency said the Animas and San Juan rivers are back to pre-spill conditions.

But Begaye said, "It's time for President Obama to stop dragging his feet and take action to fix this disaster. The president needs to respond to bipartisan calls to issue an emergency declaration and instruct all federal agencies to assist the Navajo Nation instead of sending our requests back to the EPA."

Legislation next week

EPA's defenders say blaming the agency for Gold King is like blaming firefighters for responding to a crisis. They say the agency is stepping up to help address potential abandoned mine site disasters because nobody else is or can.

And the Bureau of Reclamation report said the Gold King mine could have blown wastewater on its own had regulators not stepped in to act.

EPA has spent roughly \$500 million in addressing several dozen priority abandoned mine sites in recent years, a top agency official said this week.

Next week, Sens. Tom Udall and Martin Heinrich and Rep. Ben Ray Luján, all New Mexico Democrats, plan to introduce mining law reform legislation, which would create a system for reclaiming old mine sites by charging current production. Such a proposal would mirror one already existing in the coal industry.

Reform proponents also say mining companies have too much leeway in mining on public land. Just this week, small-scale Oregon miners sued the state in federal court over rules to protect salmon, saying the measures infringed on their rights under current federal mining laws.

The same New Mexico Democratic lawmakers have introduced legislation to create a compensation office focused on Gold King to address concerns from states, tribes and affected parties about being made whole.

Republicans also have introduced compensation bills geared toward holding EPA liable and making the agency pay out of its own budget.

When it comes to abandoned mine cleanups, Republicans and the mining industry lean toward liability protections for good Samaritan groups and companies (E&E Daily, Oct. 22).

"There's a better way to address contamination in abandoned and inactive mines than the EPA's status quo, which lacks the technical expertise to accomplish the goal," said proponent Rep. Scott Tipton (R-Colo.).

"By empowering the people on the ground who have the engineering expertise and have been working locally to address the problems in these mines for years, we can truly make strides to clean them up and limit further harm to the environment," he said.

Still, environmental advocates say good Samaritans alone are not enough to fix the problem. And the disagreement over how to clean up abandoned mine sites may, as in previous years, prevent any concrete action on Capitol Hill.

### **KNAU Radio (NM)**

<http://knau.org/post/fema-denies-mine-spill-emergency-declaration-navajo-nation#stream/0>

## **FEMA Denies Mine Spill Emergency Declaration for the Navajo Nation**

By RYAN HEINSIUS

3:10 PM EST

The Federal Emergency Management Agency has denied a request by the Navajo Nation for an emergency declaration following the Gold King Mine spill. Arizona Public Radio's Ryan Heinsius reports.

The orange-colored waters of the Animas River flow into the San Juan River in northern New Mexico in August following the toxic spill from the Gold King Mine.

FEMA says responsibility for the tribe's recovery falls under the authority other federal agencies. But Navajo Nation President Russell Begaye says the U.S. Environmental Protection Agency's response to the spill has been insufficient. He also says the incident has devastated the tribe economically and culturally, and he'll appeal FEMA's decision.

In August, EPA and contract workers released 3 million gallons of toxic waste from Colorado's Gold King Mine. It flowed into the San Juan River and through the Navajo Nation. The EPA says tests show the river is safe for crops and livestock, but many farmers and ranchers have refused to use the water.

A recently released Department of the Interior report blames the EPA for the spill.

**Associated Press (via Coloradoan)**

<http://www.coloradoan.com/story/news/2015/10/23/key-events-leading-up-massive-colorado-mine-waste-spill/74455588/>

**Key events leading up to massive Colorado mine waste spill**

Associated Press 8:51 a.m. MDT October 23, 2015

**Mine Waste Spill Investigation**

A U.S. Interior Department investigation released Thursday said the Environmental Protection Agency could have prevented a 3-million-gallon wastewater spill from a Colorado mine in August. The Bureau of Reclamation, which is part of Interior, provided this timeline of events concerning the cleanup of the long-inactive Gold King Mine in southwest Colorado:

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2009: Concerned that a cave-in was holding back water inside the mine that might someday burst out, Colorado tries pushing a pipe through the debris to relieve the pressure.

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2014: The state asks the EPA to reopen and stabilize the mine entrance because erosion from the hillside above has covered the pipe.

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Sept. 11, 2014: The EPA starts excavating the mine opening, but it stops because water begins to seep out, and a nearby holding pond might not be big enough. With winter approaching, work is halted until 2015.

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July 14, 2015: The EPA returns to the site.

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About July 23: The EPA's on-scene coordinator asks a Bureau of Reclamation official to visit the mine because the coordinator is unsure about plans to drain water. The visit is scheduled for Aug. 14 because the EPA official is going on vacation.

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Aug. 5: A different EPA on-scene coordinator, filling in for the one on vacation, is at the site.



EPA and state officials agree to insert a pipe downward through the debris covering the mine opening to reach water inside and begin pumping it out. About 11 a.m., water begins spurting through the debris and then becomes a torrent. Eventually, 3 million gallons escape.

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Aug. 24: An EPA internal review concludes the blowout "was likely inevitable."

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Oct. 22: The Bureau of Reclamation report says the EPA underestimated how much water was inside the mine. The report said the blowout could have been avoided if the EPA had drilled into the mine from above, measured how much water was inside and then revised its plan accordingly.

### **Summit County Citizen's Voice (CO)**

<http://summitcountyvoice.com/2015/10/23/report-says-animas-river-spill-could-have-been-avoided/>

### **Report says Animas River spill could have been avoided**

Posted on October 23, 2015 by Bob Berwyn

Federal and state environmental engineers, along with their contractors, misjudged conditions inside the Gold King Mine before they unleashed a toxic flood of water into Cement Creek down the Animas and into the Colorado in early August.

The technical details about the spill were released this week by the Federal Bureau of Reclamation, which did an independent review of the accident. Most importantly, the workers underestimated the water level inside the mine. That error "resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure," the Bureau of Reclamation wrote in the report. What the EPA wanted to do was open the mine just enough to insert a drainage pipe, but when workers started clearing away the makeshift dam at the portal, the water pressure behind the debris overwhelmed the structure.

Bureau of Reclamation experts said the Gold King spill, which contaminated hundreds of miles of river with toxic sludge, could have been avoided if the EPA had drilled a test hole from above to accurately assess the water level — as had been done during remediation work at the nearby Bonita Mine.

Although this was apparently considered at Gold King, it was not done. Had it been done, the plan to open the mine would have been revised, and the blowout would not have occurred, the report concluded.

It's also not clear why the EPA and its contractors started working on excavations at the Gold King Mine portal without waiting for technical input from the Bureau of Reclamation, as prescribed previously by the EPA project leader.

The Bureau of Reclamation report makes it clear that mine remediation work has, at some level, been a haphazard guessing game, with details in the executive summary:

“Abandoned mine guidelines and manuals provide detailed guidance on environmental sampling, waste characterization, and water treatment, with little appreciation for the engineering complexity of some abandoned mine projects that often require, but do not receive, a significant level of expertise. In the case of the Gold King incident, as in many others, there was an absence of the following:

An understanding that water impounded behind a blocked mine opening can create hydraulic forces similar to a dam.

Analysis of potential failure modes.

Analysis of downstream consequences if failure were to occur.

Engineering considerations that analyze the geologic and hydrologic conditions of the general area.

Monitoring to ensure that the structure constructed to close the mine portal continues to perform as intended.

An understanding of the groundwater system affecting all the mines in the area and the potential for work on one mine affecting conditions at another.

More such spills can't be ruled out because there are so many other abandoned mines with similar conditions, the report concluded.

### **Denver Post (CO)**

[http://www.denverpost.com/news/ci\\_29013344/navajo-fema-denies-colorado-mine-spill-emergency-declaration](http://www.denverpost.com/news/ci_29013344/navajo-fema-denies-colorado-mine-spill-emergency-declaration)

### **Navajo: FEMA denies Colorado mine spill emergency declaration request**

*President Russell Begaye says the feds response has been "failed"*

By Jesse Paul

The Denver Post

POSTED: 10/23/2015 11:24:22 AM MDT1 | UPDATED: ABOUT 4 HOURS AGO

Navajo Nation's president expressed anger as he announced the federal government's decision to deny the tribe's request for an emergency declaration following the Gold King Mine spill.

"The Gold King Mine spill culturally and economically devastated the Navajo Nation, and the Federal Emergency Management Agency's decision to decline our request for an emergency declaration is disappointing and wrong," President Russell Begaye said in a statement.

Begaye said "the federal government's failed response to this crisis has only added insult to injury," chastising the Obama administration's lack of mobility after the disaster.

Navajo officials have chastised the federal government, specifically the Environmental Protection Agency, since the Aug. 5 agency-caused spill at Gold King Mine.

Leaders say the aftermath of the spill left their people on the brink of economic disaster and threatened their culture.

The tribe said a Department of Interior independent review of the disaster released Thursday showed the "EPA's gross negligence." The report found the agency triggered the spill and that the disaster was preventable.

"The Navajo Nation will appeal FEMA's ill-advised decision and fight for every resource possible to address the damage caused by the Gold King Mine spill," Begaye's statement said. "As president, I will not rest until our people have been made whole and fairly compensated for their losses."

### **New York Times**

<http://www.nytimes.com/2015/10/23/us/study-faults-epa-for-toxic-wastewater-spill-in-colorado-rockies.html>

### **Study Faults E.P.A. for Toxic Wastewater Spill in Colorado Rockies**

By RICHARD PÉREZ-PEÑA

OCT. 22, 2015

The Environmental Protection Agency, which accidentally spilled three million gallons of toxic wastewater from an abandoned mine in Colorado, lacks the technical skills to handle such tricky projects, a government assessment reported on Thursday. The big accident could have been averted if the agency had had greater expertise and acted more prudently, the report said.

The E.P.A. had intended to gradually drain and capture contaminated water that was seeping out of the Gold King Mine and poisoning local streams in the area, which is high in the Rocky Mountains in the southwestern part of the state. Instead, on Aug. 5, workers caused a blowout,

releasing a yellow-red torrent into Cement Creek and then into the Animas River. The agency has conceded that its people underestimated the volume of water collected in the mine and how much pressure it was under. It requested a separate inquiry by the Interior Department, which released its 132-page report by a team of engineers on Thursday.

At the E.P.A., the report said, “abandoned mine guidelines and manuals provide detailed guidance on environmental sampling, waste characterization and water treatment, with little appreciation for the engineering complexity of some abandoned mine projects that often require, but do not receive, a significant level of expertise.”

In particular, it said, the E.P.A. does not adequately “analyze the geologic and hydrologic conditions of the general area” or comprehend how, in a region honeycombed with tunnels, changing conditions in one affect the others.

The E.P.A. said it was reviewing the report and offered no immediate response to the specifics in it.

The accident occurred in a remote area, at an elevation of 11,500 feet, where a mine entrance had been plugged with rocks and soil that held back the water. The E.P.A., working with the state Department of Natural Resources, pushed a pipe horizontally through the top of the plug, expecting to find a pocket of air. Instead, water began to gush out.

The better approach, the Interior Department’s engineers concluded, would have been to drill a hole from above first to gauge conditions and, if necessary, relieve pressure. In its own review, in August, the E.P.A. argued that a drilling operation would have been too costly and slow. It concluded that the plug would have collapsed eventually, and that a “blowout was likely inevitable.” The Interior Department acknowledged that the plug “may have failed on its own,” but said smarter intervention could have averted that.

The mountains in the region have veins of gold and silver, but also lead, copper and zinc. Mining operations can accelerate the leaching of metals from the soil, add other toxins and create especially concentrated pools of poisoned water. Contaminated water continually seeps from mines into nearby streams, and environmental regulators have tried to slow or stop that process.

But instead of fixing the problem at Gold King, the E.P.A. temporarily made it much worse, incurring the wrath of residents downstream.

### **LA Times**

<http://www.latimes.com/nation/la-na-sej-gold-king-mine-20151022-story.html>

[Can’t copy story, go to link to read]

### **Tweets**

**Manuel Quinones @ManuelQ**

New mine reform leg maybe next week. MT @EETPublishing: Gold King report adds pressure on EPA. "EPA blew it." <http://www.eenews.net/gw/2015/10/23> (\$)

**PRB New Mexico @PRBnewmexico**

Udall, Heinrich, Lujan Respond to Evaluation of Gold King Mine Spill Highlighting EPA Responsibility <http://1.usa.gov/1NrR1Q9>

**Miriam Wasser @MiriamWasser**

#Navajo Nation asks FEMA for help with cleanup, FEMA says no?!?!?

<http://www.phoenixnewtimes.com/news/fema-wont-help-the-navajo-nation-with-gold-king-mine-spill-cleanup-7767124> ... @sierraclub @GrandCanyTrust @NRDC @RussellBegaye

**Reddit Politics @Politics\_Reddit**

FEMA Won't Help the Navajo Nation With Gold King Mine Spill Cleanup  
<http://www.phoenixnewtimes.com/news/fema-wont-help-the-navajo-nation-with-gold-king-mine-spill-cleanup-7767124> ...

**Moore Charitable @MooreCharitable**

The Durango Herald 10/22/2015 | Emergency fund needs to raise \$1,000 to help those harmed by Gold King Mine spill  
[http://www.durangoherald.com/article/20151022/NEWS01/151029868/Emergency-relief-fund-needs-to-raise-\\$1000-to-help-those-affected-by-Gold-King-Mine-](http://www.durangoherald.com/article/20151022/NEWS01/151029868/Emergency-relief-fund-needs-to-raise-$1000-to-help-those-affected-by-Gold-King-Mine-)

**PhoenixNewTimes @phoenixnewtimes**

"[#FEMA]'s failed response to this #crisis has only added insult to injury," says #Navajo Nation President: <http://www.phoenixnewtimes.com/news/fema-wont-help-the-navajo-nation-with-gold-king-mine-spill-cleanup-7767124> ...

**Suzanne Prescott @pancheetah**

Gold King Mine spill called preventable: <http://buff.ly/1NY8gvG> IF THE EPA BUDGET HADN'T BEEN GUTTED - GOP BUDGET CUTS HURT AGAIN

**KSFR News @ksfrnews**

FEMA, Federal Emergency Management Agency, denies Navajo Nation's request for an emergency declaration due to Aug. 5 Gold King mine spill.

**Ryan Bergen @Ryan\_CIM\_Mag**

From the Gold King report by the Dept. of the Interior. #mining  
<https://assets.documentcloud.org/documents/2475483/technical-evaluation-of-the-gold-king-mine.pdf>

**Donald R Coombs @doncoombs**

FEMA Refuses to Help Navajo with Gold King Mine Spill <http://pulse.me/s/4RG3Pf>

**Gabe Vasquez @Gabe\_NM**

Udall, Heinrich, Luján Respond to Evaluation of Gold King Mine Spill Highlighting EPA Responsibility <http://www.grantcountybeat.com/news/non-local-news-releases/24936-udall-heinrich-lujan-respond-to-evaluation-of-gold-king-mine-spill-highlighting-epa-responsibility>

**PHX New Times News @ValleyFeverPHX**

FEMA Won't Help The Navajo Nation With Gold King Mine Spill Cleanup <http://ow.ly/3638Q7>

**Bruce FinleyVerified account @finleybruce**

DOI faults EPA for lack of engineering expertise and failing to check mine water pressure in Gold King disaster: [http://www.denverpost.com/news/ci\\_29008075/gold-king-review-epa-did-not-understand-disaster](http://www.denverpost.com/news/ci_29008075/gold-king-review-epa-did-not-understand-disaster) ...

**EnjeuxÉnergies @EnjeuxEnergies**

August 13: A small stream of wastewater from the Bandera Mine flows into a creek below that feeds into the Animas... <http://fb.me/7uPzayoSk>

**Jesse Aaron PaulVerified account @JesseAPaul**

Review: Gold King Mine spill was preventable, disaster potential not understood  
<http://dpo.st/1LruylI>

**Miriam Wasser @MiriamWasser**

Even though #FEMA Won't Help The #Navajo with #GoldKingMineSpill, they're not giving up the fight anytime soon. <http://www.phoenixnewtimes.com/news/fema-wont-help-the-navajo-nation-with-gold-king-mine-spill-cleanup-7767124> ...

**EARTHWORKS @Earthworks**

.@interior & @epa investigations of #GoldKingMine spill largely agree. One major difference: @interior thinks not enough expert consultation

**KUNC @KUNC** 4h4 hours ago

ICYMI: @interior report squarely places the blame for #GoldKingMine spill on the @EPA  
<http://kun.cr/1PJzLbD> via @AP

**RNC @rncmall** 4h4 hours ago

#Republicans #GOP #Right <http://ift.tt/1R0MXHv> FEMA Refuses to Help Navajo with Gold King Mine Spill

**RedStateVerified account @RedState**

FEMA Refuses to Help Navajo with Gold King Mine Spill: <http://zpr.io/apLU>

**Mining Connection @MiningConnect**

Alexco Environmental Group Completes Construction of Water Treatment Plant at Gold King Mine, Colo., #mining, <https://shar.es/1u84tr>

**BBNA Environment @BBNAEnvironment**

EPA error caused Gold King Mine failure, Interior says. Latest: <http://ow.ly/TL7pl> . Slideshow by @bloombergbna: <http://ow.ly/TL7pm>

**NBC News BusinessVerified account @NBCNewsBusiness**

Investigators blast EPA for Gold King Mine disaster. So just how do you recycle an old mine?  
<http://www.nbcnews.com/business/business-news/striking-paydirt-entrepreneurs-find-innovative-new-uses-old-mines-n437071> ...

**7NEWS Denver ChannelVerified account @DenverChannel**

Gold King Mine spill in Silverton could have been prevented by EPA, Interior Dept. review finds - <http://www.thedenverchannel.com/news/mine-disaster/gold-king-mine-spill-in-silverton-could-have-been-prevented-by-epa-interior-dept-review-finds> ...

**Barry Curran @bear\_dawg**

FEMA Denies Navajo Nation's Emergency Declaration for Gold King Mine Spill:  
<http://nativenewsonline.net/briefs/fema-denies-navajo-nations-emergency-declaration-for-gold-king-mine-spill/> ... via @Native\_NewsNet

**Los Angeles TimesVerified account @latimes**

Toxic Colorado mine blowout could have been prevented, federal review concludes  
<http://lat.ms/1XnFeqF>

**NativeNewsOnline @Native\_NewsNet**

FEMA Denies Navajo Nation's Emergency Declaration for Gold King Mine Spill

<http://nativenewsonline.net/briefs/fema-denies-navajo-nations-emergency-declaration-for-gold-king-mine-spill/> ...

**Marjorie Haun @Reagan\_Girl**

Federal Failure--Gov't Report Raises Serious Questions About @EPA's Handling Of Gold King Mine <http://dailycaller.com/2015/10/22/govt-report-raises-serious-questions-about-epas-handling-of-gold-king-mine/> ... via @dailycaller

**Carlyle W Begay @CarlyleBegay**

New report confirms #EPA should have prevented #GoldKingMine spill.

[http://hosted.ap.org/dynamic/stories/U/US\\_MINE\\_WASTE\\_SPILL\\_INVESTIGATION?SITE=AP&SECTION=10-22-14-01-20](http://hosted.ap.org/dynamic/stories/U/US_MINE_WASTE_SPILL_INVESTIGATION?SITE=AP&SECTION=10-22-14-01-20) ...

**L.A. Times National Verified account @latimesnational**

Toxic Colorado mine blowout could have been prevented, federal review concludes

<http://lat.ms/1PEJiBx>

**Roger Hudson @MediaHudson**

Roger Hudson Retweeted CO Attorney General

There are accidents & then there are ACCIDENTS. #GoldKingMine blowout clearly could have been prevented. #CoAG #EPA Roger Hudson added,

**CO Attorney General @COAttnyGeneral**

Gov investigators blame #EPA for #GoldKingMine spill, according to new report. Says officials knew potential for blowout. #AnimasRiverSpill

**Tom Udall PressVerified account @TomUdallPress**

Udall, Heinrich, Luján Respond to Evaluation of #GoldKingMine Spill Highlighting EPA Responsibility <http://1.usa.gov/1OVb5Mt>

**Denver Post TVVerified account @DPTV**

Gold King Mine spill preventable says new report: <http://dpo.st/1McKQCo>

Investigation says Gold King Mine blowout caused by failure to check flooding



<http://dlvr.it/CWpkw9>

#EPA #GoldKingMine The Washington Times... <http://fb.me/7O7odprlZ>

More

**Jennifer Kovalski** Verified account **@JennKovalski** 19h19 hours ago Denver, CO

Dept. of Interior report about #goldkingmine spill found crews rushed work, and failed to consider complexity of the job. #AnimasRiver

**Scott Tipton** Verified account **@RepTipton**

@Interior report on Gold King shows @EPA lacks expertise needed for mine cleanup. Good Sam is better way forward: <http://tipton.house.gov/press-release/tipton-responds-interior-department-report-epa%E2%80%99s-blowout-gold-king-mine> ...

**Alan Neuhauser** Verified account **@alneuhauser**

Contrary to EPA's claims, Gold King mine spill was totally "preventable," Interior says <http://www.usnews.com/news/articles/2015/10/22/epa-to-blame-for-preventable-gold-king-mine-spill-interior-dept-finds> ...

**CO Attorney General** Verified account **@COAttnyGeneral**

Talking @850KOA - Learning what I have believed was probable all along, that #GoldKingMine spill was preventable man-made disaster. #EPA

**CO Attorney General** Verified account **@COAttnyGeneral**

Discussing new damaging report #GoldKingMine concerning #EPA with @MarcKMGH @DenverChannel #AnimasRiverSpill #CoAG

**Alan Neuhauser** Verified account **@alneuhauser**

Interior Department: "Yeah, EPA is totes to blame for that Gold King mine spill." <http://www.usnews.com/news/articles/2015/10/22/epa-to-blame-for-preventable-gold-king-mine-spill-interior-dept-finds> ...

**E&E Publishing** **@EEPublishing**

E&ENews PM peek: #CleanPowerPlan challenges #cop21 #goldkingmine #STRR #water #biofuels #timber #animal blessing <http://www.eenews.net/pm/2015/10/22>

**Mike Bastasch** **@MikeBastasch**

Gov't Report Raises Serious Questions About EPA's Handling Of Gold King Mine  
<http://dailycaller.com/2015/10/22/govt-report-raises-serious-questions-about-epas-handling-of-gold-king-mine/> ... via @dailycaller

**Daniel J. Schneider** Verified account @schneidan

Fairly scathing Dept. of Interior report places blame squarely on EPA for Gold King mine spill disaster: <http://dpo.st/1RqRnHq>

**From:** Bressler, Lindsey

**Sent:** Friday, October 23, 2015 11:05 AM

**To:** StClair, Christie <[StClair.Christie@epa.gov](mailto:StClair.Christie@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Harrison, Melissa <[Harrison.Melissa@epa.gov](mailto:Harrison.Melissa@epa.gov)>; Purchia, Liz <[Purchia.Liz@epa.gov](mailto:Purchia.Liz@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Deitz, Randy <[Deitz.Randy@epa.gov](mailto:Deitz.Randy@epa.gov)>; Cohen, Nancy <[Cohen.Nancy@epa.gov](mailto:Cohen.Nancy@epa.gov)>; Allen, Laura <[Allen.Laura@epa.gov](mailto:Allen.Laura@epa.gov)>

**Subject:** RE: DOI GKM Review Clips

### **Phoenix New Times (AZ)**

<http://www.phoenixnewtimes.com/news/fema-wont-help-the-navajo-nation-with-gold-king-mine-spill-cleanup-7767124>

## **FEMA WON'T HELP THE NAVAJO NATION WITH GOLD KING MINE SPILL CLEANUP**

BY MIRIAM WASSER

FRIDAY, OCTOBER 23, 2015 10:40 am EST

The Federal Emergency Management Agency has rejected a plea from the Navajo Nation for assistance in dealing with the fallout of the August 5 Gold King Mine spill that sent more than three million gallons of toxic wastewater downstream into critical Navajo waterways.

In a letter containing almost no details or explanations, FEMA Administrator W. Craig Fugate informed Navajo Nation President Russell Begaye that the agency was denying his request because, Fugate wrote, "it has been determined that the vast majority of the response and recovery efforts for this event fall under the authorities of other federal agencies."

(Fugate did not specify which agencies, and officials in the regional FEMA office did not respond to a request for comment.)

On September 1, Begaye appealed to FEMA for help with cleanup and crisis management because the “toxic chemical spill [that] has expanded into Navajo lands...via the San Juan River has critically impacted the River and its dependent ecosystems including wildlife, fish

populations, and the land base adjacent to the River.”

Begaye also explains in the letter that the spill has devastated “the crops and livestock of the Nation’s farmers and ranchers whose produce support families and communities,” a problem New Times has documented before.

At the time of the spill, the federal Environmental Protection Agency was working to plug a hole in the abandoned Gold King Mine but the effort went awry, and the agency ended up unleashing huge quantities of toxic sludge. The iconic bright orange plume made its way down the Animas River and into waterways that flow through the Northern Navajo Nation.

Though the EPA has technically been tasked with the clean up process, Begaye explains in his letter that he’s interested in FEMA’s crisis management expertise — many in the Navajo Nation are skeptical of the EPA’s work, particularly after it delivered farmers huge quantities of water that was purportedly tainted with some sort of oil.

When New Times spoke with the regional FEMA spokesman, John Hamill, last month, his agency had just received Begaye’s letter, and was actively discussing whether to follow through on the request.

He mentioned that because President Obama did not declare the spill a national disaster, there are a few tricky statutory details to work out.

FEMA’s authority to respond to a disaster comes from the Stafford Act, which stipulates that the agency’s resources can be deployed after the president declares a national disaster. Because that didn’t happen, “FEMA usually wouldn’t be involved in a situation like this,” Hamill explained, adding that this didn’t preclude a FEMA response — “We [would] just want to figure out [the details].”

Though the specifics of why FEMA rejected the request remain unclear, Begaye released a statement on Thursday, calling FEMA’s letter “disappointing and wrong,” and blasting the Obama administration for ignoring the plight this spill fomented on the Navajo Nation:

“Our people have suffered due to the reckless actions of the Environmental Protection Agency, and the federal government’s failed response to this crisis has only added insult to injury. The Obama Administration has turned down virtually every request we have made for greater assistance, each time referring us back to the EPA – the same agency that caused the problem in the first place,” Begaye writes.

“What is wrong with Obama? Another slap in the face to Native Americans. Sickening,” one Facebook user writes about FEMA’s decision.

Others on social media were also furious about the decision:

Days after Begaye's request, Arizona Senators John McCain and Jeff Flake sent a letter to Obama urging him to review the request and respond appropriately.

While McCain has been particularly critical of the response by both the Obama administration and the EPA, Begaye has been critical of the federal response.

He stated earlier this month that he "President Obama not only been slow to respond to our request for additional assistance, he has not acknowledged the damage that the U.S. EPA and other responsible parties have caused to the Navajo Nation," and has declared his intention to sue the EPA.

Even though a spokesman for the President Begaye could not be reached for comment by press time, his administration does not appear ready to back down on his mission to get restitution:

"The Navajo Nation will appeal FEMA's ill-advised decision and fight for every resource possible to address the damage caused by the Gold King Mine spill," Begaye writes.

"As President, I will not rest until our people have been made whole and fairly compensated for their losses."

### **KSFR Santa Fe Public Radio (NM)**

<http://ksfr.org/post/oct-23-first-news-email-secretary-state-dianna-duran-resigns-listen#stream/0>

### **October 23 First News**

By Tom Trowbridge

10:25 am EST, 10/23

*Audio on website*

The Federal Emergency Management Agency has denied the Navajo Nation's request for an emergency declaration due to the Gold King mine spill August fifth. Tribal President Russell Begaye made the request earlier this month. The spill unleashed three-million gallons of toxic wastewater that eventually flowed into the San Juan River which runs through the northern part of the Navajo Nation. FEMA said this week that most of the response and recovery efforts for the spill fall under the authority of other federal agencies and denied Begaye's request. Begaye says he will appeal.

### **Durango Herald (CO)**

## **Mining reclamation requires funding**

By Peter Marcus Herald staff writer

Article Last Updated: Thursday, October 22, 2015 10:33pm

Water flows out of the American Tunnel in the Gladstone area north of Silverton where the Animas River Stakeholders Group wants to eliminate toxic waste from four closed mines.  
Enlarge photo

Water flows out of the American Tunnel in the Gladstone area north of Silverton where the Animas River Stakeholders Group wants to eliminate toxic waste from four closed mines.

Mining-reclamation experts this week told a congressional panel that good Samaritan legislation and funding for restoration efforts are “inseparably tied together.”

The comments came during a hearing Wednesday on good Samaritan cleanups of abandoned mines, held by the House Subcommittee on Water Resources and Environment.

Much of the hearing focused on the Aug. 5 Gold King Mine spill, in which an error by an Environmental Protection Agency-contracted team caused an estimated 3 million gallons of mining sludge to pour into the Animas River.

In the wake of the Gold King incident, Congress has taken a look at how to address tens of thousands of inactive leaking mines across the nation. At least 23,000 mines have been identified in Colorado alone.

The debate has hit familiar political currents, with Republicans pushing back against efforts to collect fees and royalties from hard-rock mining to fund restoration efforts. Instead, the GOP favors legislative efforts to eliminate liability concerns for private entities – referred to as good Samaritans – who want to independently restore inactive mines.

But experts who have been actively involved in the debate said the two proposals are not mutually exclusive, suggesting that there is a need for both efforts.

“The lesson from Gold King is not so much that an EPA contractor screwed up, as it is that we need to have a much greater sense of urgency about addressing the problem of pollution from abandoned mines all across the nation,” said Chris Wood, president and chief executive of Trout Unlimited.

Republicans on the committee pushed back, highlighting that good Samaritan legislation might be the only pragmatic thing to consider.

“Would you prefer having no cleanup be performed at an abandoned mine site, or having a good

Samaritan perform a cleanup?” asked Rep. Todd Rokita of Indiana.

Lauren Pagel, policy director for Earthworks, said it is not an either/or conversation.

“I would hope we could also get good Samaritans additional funding from reclamation funds to do these cleanups,” Pagel said.

Doug Young, senior policy director for the Keystone Policy Center in Colorado, cautioned against repeating the same discussions from the past, encouraging lawmakers to steer away from addressing the issue through the Clean Water Act.

Instead, Young suggested taking a look at reforms to the federal Superfund program, which targets blighted areas. He also advocated for offering incentives to good Samaritans to bring their own resources.

“I agree this is a major funding issue,” Young said. “I just think there’s a way we can do this without directly having to assess a fee or royalty.”

### **Reuters (via Yahoo!)**

<http://news.yahoo.com/colorado-mine-wastewater-spill-caused-epa-preventable-report-022751795.html>

### **Colorado mine wastewater spill caused by EPA was preventable: report**

11:30 PM EST, 10/22/15

By Keith Coffman

DENVER (Reuters) - The release of 3 million gallons (11 million liters) of toxic wastewater from a defunct southwestern Colorado gold mine that was triggered by the Environmental Protection Agency was preventable, a government review of the spill concluded on Thursday.

A 132-page report conducted by engineers with the U.S Bureau of Reclamation said the Aug. 5 blowout from the Gold King Mine above Silverton, Colorado, was due to a combination of factors “spanning several decades.”

Nearby mining operations and tunneling beneath the century-old stake led to changing groundwater conditions that the EPA failed to anticipate when it reopened a portal on the site in recent years, the report said.

An excavating crew under contract with the EPA to slow seepage from the site inadvertently breached a tunnel wall, unleashing a torrent of wastewater that had backed up behind the mountainside.

The water, carrying heavy metals, poured into Cement Creek, and then downstream into the

Animas and San Juan rivers, turning the waterways a bright orange. The plume ultimately emptied into Lake Powell in Utah nine days after the spill.

The governors of Colorado, New Mexico and Utah, the three states affected by the spill, all declared a state of emergency in its aftermath.

EPA chief Gina McCarthy said her agency was taking full responsibility for the spill, and has said the water quality of stream fouled by the release have returned to pre-spill levels.

The Bureau of Reclamation engineers said in their report that there are no uniform protocols among the government agencies charged with cleaning up the estimated 100,000 abandoned mines that dot the western United States.

“The incident at Gold King Mine is somewhat emblematic of the current state of practice in abandoned mine remediation,” they said.

The report recommended that for future mine remediation projects, agencies should include a “failure modes analysis,” a review of the history of each site, and precise water measurements.

“Where significant consequences of failure are possible, independent expertise should be obtained to review project plans and designs prior to implementation,” the report said.

U.S. Senator Cory Gardner of Colorado said in a statement that he was “deeply troubled” that the EPA was not only responsible for the spill but that it was preventable.

“I look forward to a response to my questions surrounding the EPA’s insufficient and untimely recovery efforts and its proactive measures to prevent a disaster of similar magnitude in the future,” Gardner said.

### **National Journal**

<http://www.nationaljournal.com/s/91289/government-report-faults-epa-colorado-mine-spill?q=gold%20king&a=&t=&c=None&s=None&e=None>

### **Government Report Faults EPA In Colorado Mine Spill**

*The Interior Department warns that the circumstances around the mine spill are “surprisingly prevalent.”*

OCTOBER 23, 2015

Jason Plautz

@JASON\_PLAUTZ

October 22, 2015

A fed-er-al probe has found that the En-vir-on-ment-al Pro-tec-tion Agency could have done more to pre-vent a spill of waste from an aban-doned mine that pol-luted two Col-or-ado rivers in Au-gust.

The In-teri-or De-part-ment on Thursday re-leased a re-port on the in-cid-ent, in which an EPA team triggered a blo-wout at the Gold King Mine that turned nearby wa-ter a sickly or-ange col-or. The re-port from the DOI's Bur-eau of Re-clam-a-tion says that the EPA team in charge of the mine cleanup did not un-der-stand the com-plex-ity of the site and take the ne-ces-sary pre-cau-tions.

But the de-part-ment also cau-tions that the con-di-tions that led to the blo-wout at the Gold King Mine are "sur-pris-ingly pre-val-ent" and that there are in-suf-fi-cient fed-er-al guidelines for re-open-ing aban-doned mines, even as the gov-ern-ment works to clean up tens of thou-sands of such sites across the West.

Spe-cific-ally, the re-port says that EPA did not ad-equately eval-u-ate the buildup of flu-id in the mine and the ground-wa-ter con-di-tions around it. At a pre-vi-ous cleanup at a dif-fer-ent site, the re-port said, of-fi-cials drilled in-to the mine from above to de-term-ine the level of wa-ter, but fed-er-al and state of-fi-cials elec-ted not to do so at the Gold King Mine.

"Had it been done, the plan to open the mine would have been re-vi-sed and the blo-wout would not have oc-curred," the re-port states.

The Au-gust spill sent more than 3 mil-lion gal-lons of wastewa-ter loaded with lead, ar-sen-ic, mer-cury, and oth-er metals in-to the An-i-mas River and the con-nect-ing San Juan River, leav-ing them pol-luted for days and shut-ting down com-merce along the two rivers.

EPA has taken re-spons-ib-il-ity for the spill, but in an Au-gust as-sess-ment said that the spill was "lik-ely in-ev-it-able." That same re-port said that the work crew thought the wa-ter pres-sure was lower than it was, lead-ing to the ap-proach that caused the blo-wout.

In a state-ment Thursday, EPA spokes-man Nancy Grantham said the agency "will care-fully re-view the re-port."

"This re-port, in com-bin-a-tion with the find-ings of EPA's in-tern-al re-view of the in-cid-ent, will help in-form EPA's on-go-ing ef-forts to work safely and ef-fect-ively at mine sites as we carry out our mis-sion to pro-tect hu-man health and the en-vir-on-ment," Grantham said.

In the af-ter-math of the spill, Re-pub-lic-an crit-ics pounced on EPA, char-ging that the agency had not been trans-par-ent about the cause of the spill and was not sub-ject-ing it-self to the same scru-tiny it would give to a private com-pa-ny be-hind an en-vir-on-ment-al dis-aster.

Pre-dict-ably, Thursday's re-port offered the same open-ing for the agency's crit-ics in Con-gress. House Sci-ence Com-mit-tee chair-man Lamar Smith of Texas said that EPA's "neg-li-gence is in-ex-cus-able" and that it was "ap-palling that for months the EPA failed to be



forth-com-ing about what went wrong.”

Sen-ate En-vir-on-ment and Pub-lic Works Chair-man Jim In-hofe said that the re-port “raises sig-ni-fic-ant new ques-tions” about the spill and ques-tioned the au-thor-ity of the Bur-eau of Re-clam-a-tion in writ-ing the re-port. Sev-er-al com-mit-tees, in-clud-ing the House Nat-ur-al Re-sources Com-mit-tee, have prom-ised more ex-tens-ive fol-low-up on the spill.

But a key find-ing from the In-teri-or De-part-ment re-port cau-tions that the cir-cum-stances around the Gold King Mine—which had been in-op-er-able since 1923—“are not isol-ated or unique” and ex-ist at many oth-er mines across the West. Thou-sands of un-reg-u-lated mines from earli-er in the cen-tury were left un-ad-dressed and without reg-u-la-tion, and many are now leak-ing sludge pol-luted with tox-ic metals in-to wa-ter and soil.

The U.S. Geo-lo-gic-al Sur-vey has iden-ti-fied more than 260,000 aban-doned mines, and the en-vir-on-ment-al group Earth-works has es-tim-ated the num-ber to be as high as a half-mil-lion.

EPA was go-ing in-to the Gold King site be-cause a col-lapse had stopped up a mine portal, mean-ing wa-ter was build-ing up. In fact, the In-teri-or Re-port found that at the Gold King site, “even if no ac-tion had been taken, it may have failed on its own.”

The EPA and state of-fi-cials in the West are work-ing through a back-log of such sites, try-ing to avoid the leaks and a sim-il-ar blo-wout. But the In-teri-or De-part-ment re-port cau-tions that bet-ter guid-ance will be needed as the ne-ces-sary cleanups con-tin-ue.

The in-cid-ent, while pre-vent-able, is “some-what em-blem-at-ic of the cur-rent state of prac-tice in aban-doned-mine re-medi-ation.”

The re-port states that fed-er-al guidelines for mine cleanups are in-con-sist-ent across agen-cies and that there are few writ-ten re-quire-ments for re-open-ing the mines. Those that ex-ist have “little ap-pre-ci-ation for the en-gin-eer-ing com-plex-ity of some aban-doned mine pro-jects that of-ten re-quire, but do not re-ceive, a sig-ni-fic-ant level of ex-pert-ise.”

### **Associated Press (via Durango Herald)**

#### **FEMA denies Navajo request for emergency declaration for spill**

The Associated Press Article Last Updated: Thursday, October 22, 2015 10:34pm

WINDOW ROCK, Ariz. – The Federal Emergency Management Agency has denied the Navajo Nation’s request for an emergency declaration to help recover from a mine spill.

Tribal President Russell Begaye made the request earlier this month. Tribal officials have said they’re unsatisfied with the response of the U.S. Environmental Protection Agency, which unleashed 3 million gallons of toxic wastewater from the Gold King Mine near Silverton in August.

That water eventually flowed into the San Juan River, which runs through the northern part of the Navajo Nation.

FEMA said this week that most of the response and recovery efforts for the spill fall under the authority of other federal agencies and denied Begaye's request.

Begaye called FEMA's decision ill-advised and said he will appeal. He says the spill devastated the Navajo Nation culturally and economically.

### **Mining.com**

<http://www.mining.com/epa-mine-spill-could-have-been-prevented-probe-concludes/>

### **EPA mine spill could have been prevented, probe concludes**

Cecilia Jamasmie | October 23, 2015

The big accident could have been averted if the agency had had greater expertise and acted more prudently, according to a government assessment.

Results of a government probe released Thursday say the U.S. Environmental Protection Agency (EPA) is to blame for the blowout at the abandoned Gold King Mine in Colorado, which caused a massive spill of mining wastewater into local rivers in August.

The review by the U.S. Interior Department concludes the EPA clean-up crew rushed its work and failed to ponder the complex engineering involved, triggering the very blowout it hoped to avoid.

The document notes the spill that contaminated rivers in three states would have been avoided had the EPA team checked on water levels inside the mine before digging into its entrance.

Investigators added the accident was both "preventable" and also "emblematic" of agencies' inconsistent and deeply flawed approaches to reopening shuttered mines.

The report does not assign fault to any individuals, despite prior claims from EPA Administrator, Gina McCarthy, that it would determine responsibility and any negligence.

Investigators actually established that the deep causes of the accident could be found decades ago, when mining companies altered the flow of water through a series of interconnected tunnels in the extensively mined Upper Animas River watershed.

EPA said that about 3 million gallons of toxic wastewater, triple previous estimates, poured from the old Colorado gold mine into local streams.

Todd Hennis, owner of the Gold King Mine, agrees. He said in an e-mailed statement that

blocking the flows was what triggered mine water built-up and later overflow.

“We have been advised of an independent investigation that has determined via photographic evidence analysis that the actions of the EPA in 2014 in piling a large amount of backfill material on the Gold King entrance blocked off the mine discharge pipe intakes,” he said.

The Interior Department acknowledged that the plug “may have failed on its own,” but smarter intervention could have averted that.

According to Hennis another disaster, way worse than the one triggered by EPA last summer, is on the works. He is referring to concrete dams placed in the American Tunnel by the operators of the Sunnyside Mine.

“We again ask Kinross Gold Corporation of Canada to step forward and correct this horrendous situation,” he said in the statement.

While the investigation singles out EPA as the main responsible for triggering a 3-million-gallon toxic spill into Colorado’s Animas River, it did not arrive to any conclusion on why the agency took several days to notify the states of Utah, New Mexico and the Navajo Nation that the spill was coming their way.

The agency said it was reviewing the report and offered no immediate response to it.

### **Wall Street Journal**

<http://www.wsj.com/articles/u-s-watch-1445563760?alg=y>

### **Mine Spill Blamed On Lack of Expertise**

Oct. 22, 2015 9:29 p.m. ET

The U.S. government has concluded that a lack of technical expertise was the driving factor in a rupture that spilled three million gallons of toxic water into a Colorado river in August as the Environmental Protection Agency was trying to clean up an abandoned gold mine.

Interior Department investigators said in a report Thursday that a project team contracted by the EPA didn’t correctly analyze the status of the abandoned mine, underestimating the toxic water that had built up inside.

“This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure,” according to the report, written by officials at the department’s Bureau of Reclamation.

Nancy Grantham, a spokeswoman for the EPA, said the agency will review the report. “This report, in combination with the findings of EPA’s internal review of the incident, will help inform EPA’s ongoing efforts to work safely and effectively at mine sites,” Ms. Grantham said

in an email.

—Amy Harder

### **Buzzfeed News**

<http://www.buzzfeed.com/claudiakoerner/epa-error-caused-mine-spill-that-contaminated-a-colorado-riv#.ajj82m7P4>

## **EPA Error Caused Mine Spill That Contaminated A Colorado River, Report Says**

*The blowout at the Gold King Mine sent 3 million gallons of contaminated water into the Animas River in August, a disaster that experts said will likely affect the region for years.*

Originally posted on Oct. 22, 2015, at 6:36 p.m.

Updated on Oct. 22, 2015, at 8:49 p.m.

Claudia Koerner

The mine blowout that turned a Colorado river a sickly orange for several days over the summer was caused by the Environmental Protection Agency team working on a clean-up project, according to an independent report by government investigators.

The Department of Interior's Bureau of Reclamation on Thursday delivered its report on the Gold King Mine incident to the EPA, summarizing how the spill was caused and offering recommendations to prevent future disasters. The failures at Gold King Mine show larger issues within the procedures the government uses to remediate abandoned mines, the report stated.

"[We] found that the conditions and actions that led to the Gold King Mine incident are not isolated or unique, and in fact are surprisingly prevalent," investigators wrote.

EPA spokeswoman Nancy Grantham said in a statement the agency will carefully review the report along with its own internal investigation.

"This report, in combination with the findings of EPA's internal review of the incident, will help inform EPA's ongoing efforts to work safely and effectively at mine sites as we carry out our mission to protect human health and the environment," she said.

According to the Associated Press, thousands of mining tunnels in the western U.S. are filled with the same contaminated sludge. Government authorities have struggled with clean-up efforts for years, and many waterways have been contaminated as the old mines' contents seep out.

In spite of the serious nature of the issue, the investigators found there are few requirements about how a clean-up should be managed. Clean-up efforts often focus on environmental issues with "little appreciation for the engineering complexity of some abandoned mine projects that

often require, but do not receive a significant level of expertise,” the report stated.

Regarding the Gold King Mine, the report said the EPA team guessed the water levels within the mine tunnel were at about the same height as the seepage coming through a blocked-up portal. In reality, the water levels were higher and pressurized, as if against a dam.

“This error resulted in development of a plan to open in the mine in a manner that appeared to guard against blowout, but instead led directly to the failure,” the report stated.

The error could have been corrected if the team had used a drill rig to bore into the mine from above to check the water levels — a technique used in another mine clean-up nearby.

“Although this was apparently considered at Gold King, it was not done,” the report said. “Had it been done, the plan to open the mine would have been revised, and the blowout would not have occurred.”

The EPA responded that the site conditions at Gold King Mine made this kind of drilling difficult.

“The Review Team identified technical challenges, safety, timing, and cost as factors in considering this technique—and also identified the steepness and instability of slopes at the site as a key safety consideration,” Grantham said.

The report did not detail communication and decision-making within the EPA to assign blame. The technical implications, however, were clear, investigators said.

“The incident at Gold King Mine is somewhat emblematic of the current state of practice in abandoned mine remediation,” the report stated.

In addition to miscalculating water levels, the report said the EPA team failed to analyze the consequences of a potential failure as well as how their work could affect the local groundwater system.

After the blowout, contaminated water moved as a plume through the Animas River as it traveled into New Mexico and Utah, toward Lake Powell. Residents were urged not to drink or come into contact with the water.

River closures caused economic hardship for farmers as well as recreation businesses. The contamination didn’t appear to have immediate effects on wildlife, but officials acknowledged that sediment could resurface in coming years.

### **US News & World Report**

<http://www.usnews.com/news/articles/2015/10/22/epa-to-blame-for-preventable-gold-king-mine-spill-interior-dept-finds>

## **EPA to Blame for 'Preventable' Gold King Mine Spill**

*The accident is 'emblematic' of a lackadaisical approach to remediating shuttered mines, a review finds.*

By Alan Neuhauser Oct. 22, 2015 | 5:55 p.m. EDT + More

The Environmental Protection Agency is directly at fault for the August mine spill in Colorado that it had been working to prevent, according to a government report released Thursday.

The blowout from the abandoned Gold King Mine, five miles north of Silverton, spewed 3 million gallons of acid mine water and heavy metals into Colorado and Utah rivers, turning the waterways a sickly yellow-orange.

People kayak in the Animas River near Durango, Colo., Thursday, Aug. 6, 2015, in water colored from a mine waste spill. The U.S. Environmental Protection Agency said that a cleanup team was working with heavy equipment Wednesday to secure an entrance to the Gold King Mine. Workers instead released an estimated 1 million gallons of mine waste into Cement Creek, which flows into the Animas River.

While EPA officials called the Aug. 5 accident "likely inevitable" in the weeks after the spill, the review by the Interior Department found it was both "preventable" and also "emblematic" of agencies' inconsistent and deeply flawed approaches to reopening shuttered mines.

Most critically, the EPA contractors working at the site chose not to bore a hole to physically check the amount of water inside the mine before digging – a step that previously had been taken to successfully reopen another mine in 2011.

"Had it been done, the plan to open the mine would have been revised, and the blowout would not have occurred," said the review, which was requested by the EPA and performed by the Interior Department's Bureau of Reclamation.

What's more, such an incident could easily happen again, the authors said. "The conditions and actions that led to the Gold King Mine incident are not isolated or unique, and in fact are surprisingly prevalent."

Standards for reopening and remediating flooded mines "are inconsistent from one agency to another," the investigators found. There are few "written requirements that government agencies are required to follow," suggesting "little appreciation for the engineering complexity of some abandoned mine projects that often require, but do not receive, a significant level of expertise."

EPA Administrator Gina McCarthy apologized for the spill after it occurred.

The review does not assign blame to specific workers or officials. It also sheds little light on the internal communications and decision-making that led up to the blowout – a chain of events that provoked "serious reservations" from one of the report's peer reviewers, an official with the

Army Corps of Engineers.

For example, a change in field coordinators overseeing work at the site created some "urgency to start digging" without waiting for technical input – a decision that goes unexplained in the review.

The report authors maintain they were "hired to perform a technical evaluation of the causes of the incident" and were "not asked to look into internal communications" or to "perform an investigation into a 'finding of fault.'"

The Navajo Nation reportedly plans to sue the EPA for the spill. Attorneys in the area are also soliciting clients.

### **Lid Time (other websites)**

<http://www.lidtime.com/investigators-blame-epa-in-colorado-mine-wastewater-spill-4012/>

### **Investigators Blame EPA in Colorado Mine Wastewater Spill**

MIKE DOOLEY 11 HOURS AGO, 10/22/15 11:59 PM EST

The Colorado spill would have been avoided had the EPA team checked on water levels inside the inactive Gold King Mine before digging into its collapsed and leaking entrance, a team of engineers from Interior's Bureau of Reclamation concluded in a 132-page report released Thursday. A temporary treatment plant, not pictured, has begun cleaning up polluted water flowing from the Gold King Mine in southwestern Colorado after an accident sent millions of gallons of waste into rivers in three states.

EPA documents show that officials knew of the potential for a wastewater spill and described it as "likely inevitable".

The blowout fouled rivers in Colorado, Utah and New Mexico, temporarily shutting down drinking water supplies and cropland irrigation.

The report from the Interior Department disagrees. EPA officials in a statement said they would "carefully review" the report, and said conditions at the mine made it too hard or risky to drill a measurement well before digging in.

Remember this past August when the EPA released several million – yes, million – gallons of toxic wastewater into the Animas River?

Published July 30 in The Silverton Standard & The Miner local newspaper, Dave Taylor's letter to the editor said, "It appears to me that the EPA is setting your town and the area up for a possible Superfund blitzkrieg", referring to a status that allocates trust funds to clean up emergency contamination sites.

The engineers stopped short of assigning fault to any individuals, despite prior claims from EPA Administrator Gina McCarthy that the probe would determine if any negligence was involved.

“This report, in combination with the findings of EPA’s internal review of the incident, will help inform EPA’s ongoing efforts to work safely and effectively at mine sites as we carry out our mission to protect human health and the environment”, said Nancy Grantham, an EPA spokeswoman. “As for the Corps” concerns over EPA’s internal handling of the Gold King operation, the Interior said such worries were beyond the scope of its report.

“There are various guidelines for this type of work but there is little in actual written requirements that government agencies are required to follow when reopening an abandoned mine”, said the report, which was reviewed by the United States Geological Survey and the Army Corps of Engineers.

The report, which was peer-reviewed by experts from two other federal agencies, says federal and state officials must develop plans to address the nation’s abandoned or unused mines before another disaster happens.

With coal mines, monitoring and cleanups are funded in part by a fee companies pay, and costs are passed on to utility customers.

“Although this was apparently considered at Gold King, it was not done”, the report found. “Had it been done, the plan to open the mine would have been revised, and the blowout would not have occurred”. The EPA has been left to prioritize cleanups with insufficient information and funding, the report said.

### **The Hill**

<http://thehill.com/policy/energy-environment/overnights/257816-overnight-energy-probe-of-colorado-mine-spill-blames-epa>

### **Overnight Energy: Probe of Colorado mine spill blames EPA**

By Timothy Cama and Devin Henry - 10/22/15 05:43 PM EDT

**SPILL WAS PREVENTABLE:** Federal experts concluded in a Thursday report that the Environmental Protection Agency (EPA) could have prevented the August mine waste spill in Colorado.

The report, by the Interior Department's Bureau of Reclamation, focuses on the engineering and technical aspects behind the spill at the Gold King Mine.

It found that the EPA and its partners decided against drilling a key borehole into the mine that could have indicated the volume and pressure of the wastewater.

"This error resulted in development of a plan to open the mine in a manner that appeared to



guard against blowout, but instead led directly to the failure," the report said.

It contrasts with the EPA's report that found that the spill was "likely inevitable."

But nonetheless, Interior concluded that based on the engineering of the plug holding back the wastewater, "eventually, even if no action had been taken, it may have failed on its own."

Read more here.

### **Associated Press (Update at 5:25pm)**

<http://bigstory.ap.org/article/7d8b2899205646fcbe5f62bc35c29554/apnewsbreak-epa-mine-spill-could-have-been-prevented>

### **Probe finds EPA error caused mine spill it hoped to avoid**

By MATTHEW BROWN

Oct. 22, 2015 5:25 PM EDT

BILLINGS, Mont. (AP) — Government investigators squarely blamed the U.S. Environmental Protection Agency on Thursday for a 3 million-gallon wastewater spill from a Colorado gold mine, saying an EPA cleanup crew rushed its work and failed to consider the complex engineering involved, triggering the very blowout it hoped to avoid.

The spill that fouled rivers in three states would have been avoided had the EPA team checked on water levels inside the Gold King Mine before digging into a collapsed and leaking mine entrance, Interior Department investigators concluded.

The technical report on the causes of the Aug. 5 spill has implications across the United States, where similar disasters could lurk among an estimated hundreds of thousands of abandoned mines that have yet to be cleaned up. The total cost of containing this mining industry mess could top \$50 billion, according to government estimates.

The root causes of the Colorado accident began decades ago, when mining companies altered the flow of water through a series of interconnected tunnels in the extensively mined Upper Animas River watershed, the report says.

EPA documents show its officials knew of the potential for a major blowout from the Gold King Mine near Silverton as early as June 2014. After the spill, EPA officials described the blowout as "likely inevitable" because millions of gallons of pressurized water had been bottling up inside the mine.

The Interior report directly refutes that assertion. It says the cleanup team could have used a drill rig to bore into the mine tunnel from above, safely gauging the danger of a blowout and planning the excavation accordingly. Instead, the EPA crew, with the agreement of Colorado mining

officials, assumed the mine was only partially inundated.

"This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure," according to engineers from Interior's Bureau of Reclamation, who spent two months evaluating the accident.

The blowout tainted rivers in Colorado, Utah, New Mexico, and on the Navajo Nation with dangerous heavy metals including arsenic and lead, temporarily shutting down drinking water supplies and cropland irrigation.

The report stops short of assigning fault to any individuals, despite prior claims from EPA Administrator Gina McCarthy that it would determine fault and any negligence.

A U.S. Army Corps of Engineers official whose review of the conclusions was included in the report expressed "serious reservations" over the EPA's failure to explain exactly how its communications broke down and why its officials were so insistent on starting work without more information about the complexities involved.

Richard Olsen, a senior geotechnical engineer with the Corps, also questioned why a change in the EPA coordinator for Gold King led to an "urgency to start digging" even though another EPA official had expressed some uncertainty.

The second EPA official in July asked for an outside review of the agency's plans by one of the Bureau of Reclamation engineers involved in Thursday's report. A meeting between the EPA, state officials and the engineer was scheduled for Aug. 14 — nine days after the blowout.

EPA officials pointed out that the mine plug already was leaking and could have eventually blown out anyway, and the Interior report acknowledged that was possible.

EPA spokeswoman Nancy Grantham said the report "will help inform EPA's ongoing efforts to work safely and effectively at mine sites as we carry out our mission to protect human health and the environment."

A separate investigation is pending from the EPA Inspector General's Office.

Members of Congress seized on the report to slam the government's handling of the spill. But whereas Republicans such as U.S. Sen. Cory Gardner of Colorado focused their ire on the EPA, U.S. Sen. Michael Bennet, also of Colorado and a Democrat, repeated his call for industry reforms to speed mine cleanups.

Guidelines for cleaning up abandoned mines focus on details such as water sampling and treatment. Yet they have "little appreciation for the engineering complexity," and require but don't receive significant expertise, the Interior Department's 132-page report concluded.

Plugging abandoned or inactive mines has been common industry practice for more than a century. The report lists 31 mines across the U.S. where so-called bulkheads were installed since

the 1950s to stem the flow of water into or out of a mine.

With coal mines, monitoring and cleanups are funded in part by a fee companies pay. No such arrangements exist for inoperative hard-rock mines, and that's a national problem, the report noted.

Given industry opposition to efforts to hold mine owners accountable, the cleanup has been left to a scattering of federal and state agencies, without common standards or even lists of the most problematic mines.

In the wake of the Gold King spill, EPA temporarily halted some work at 10 polluted mining complexes in Montana, California, Colorado and Missouri because of similar conditions.

Abandoned hard-rock underground mines are not subject to the same federal and state safety requirements other mining operations must follow, and "experience indicates that they should be," the report concluded.

"A collapsed flooded mine is in effect a dam, and failure must be prevented by routine monitoring, maintenance, and in some cases remediation. However, there appears to be a general absence of knowledge of the risks associated with these facilities. A comprehensive identification of sites, evaluation of the potential to fail, and estimation of the likely downstream consequences should failure occur, are good first steps in such an endeavor."

**From:** Bressler, Lindsey

**Sent:** Thursday, October 22, 2015 5:32 PM

**To:** StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Hull, George <Hull.George@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Allen, Laura <Allen.Laura@epa.gov>

**Subject:** RE: DOI GKM Review Clips

**USA Today**

**<http://www.usatoday.com/story/news/2015/10/22/investigation-says-gold-king-mine-blowout-caused-failure-check-flooding/74411118/>**

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**Investigation says Gold King Mine blowout caused by failure to check flooding**

Trevor Hughes, USA TODAY 5:19 p.m. EDT October 22, 2015

DENVER – Environmental officials who caused a massive mine blowout that contaminated the Animas River through three states this summer failed to check how much water was inside the flooded Gold King Mine before they ordered excavations, according to a new federal report ordered by Congress.

The 132-page report stops short of blaming anyone specific for causing the blowout, which turned the southwestern Colorado river a bright orange-yellow for several days. But the report identifies a series of mistakes, chief among them that the EPA failed to measure the water's depth before digging through the collapsed entrance of the mine.

An estimated 3 million gallons of contaminated water began pouring out, at one point shooting two feet into the air, before cascading down the rocky hillside. The tainted water contaminated Cement Creek and then the Animas River, which flows from Silverton through Durango, Colo. and then into New Mexico and Arizona.

The report also has a serious warning: "In preparing this report, (the Bureau of Reclamation) found that the conditions and actions that led to the Gold King Mine incident are not isolated or unique, and in fact are surprisingly prevalent."

The shocking, albeit temporary, color of the river drew international attention as water contaminated with iron-oxyhydroxide sediment and heavy metals gushed downstream before the EPA could build temporary retaining ponds to divert and treat the pollution.

The Bureau of Reclamation operates and builds dams, and its Denver-based experts said the EPA should have consulted with them more closely before beginning work on the Gold King. The EPA had closely consulted with the BOR on draining another nearby mine, called the Red & Bonita.

More than 100,000 abandoned or unused mines dot the West, many of them leaking contaminated waste water into nearby rivers, especially when winter snows melt in the spring. But the EPA's actions drew massive and swift condemnation by politicians from both parties upset that the very agency supposed to be protecting the environment instead made things worse.

The EPA has also been criticized for failing to swiftly notify local officials about the breach, which happened in a mountainous area where there's no cell phone service.

The report says the EPA should have measured the mine's water level – as it had done at another mine just a few hundred feet away – before attempting to drain it.

“Had it been done, the plan to open the mine would have been revised, and the blowout would not have occurred,” the report says. The EPA was working on the mine at the request of Colorado officials, who worried it was contaminating drinking water for downstream residents.

The report, which was peer-reviewed by experts from two other federal agencies, says federal and state officials must develop plans to address the nation's abandoned or unused mines before another disaster happens. The report says there's a lack of oversight and monitoring of the risks posed by flooded mines. The Gold King's owner says the mine flooded when another nearby mine blocked its entrances.

“They represent a form of decaying infrastructure that is poorly maintained and, some of which, can fail with disastrous results. A collapsed flooded mine is in effect a dam, and failure must be prevented by routine monitoring, maintenance, and in some cases remediation,” the report concluded. “However, there appears to be a general absence of knowledge of the risks associated with these facilities.”

The mine spill forced downstream communities to temporarily halt using the river for drinking water, and prompted farmers in the Navajo Nation to truck in irrigation water for their crops. In a series of Congressional hearings, elected officials have excoriated the EPA for its handling of the incident, including the delay in informing downstream residents of the pollution.

The river has returned to its original color, but people living alongside it worry next spring's melting snow will stir up settled contamination and again contaminate the water.

**From:** Bressler, Lindsey

**Sent:** Thursday, October 22, 2015 5:05 PM

**To:** StClair, Christie <[StClair.Christie@epa.gov](mailto:StClair.Christie@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Harrison, Melissa <[Harrison.Melissa@epa.gov](mailto:Harrison.Melissa@epa.gov)>; Purchia, Liz <[Purchia.Liz@epa.gov](mailto:Purchia.Liz@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Deitz, Randy <[Deitz.Randy@epa.gov](mailto:Deitz.Randy@epa.gov)>; Cohen, Nancy <[Cohen.Nancy@epa.gov](mailto:Cohen.Nancy@epa.gov)>; Allen, Laura <[Allen.Laura@epa.gov](mailto:Allen.Laura@epa.gov)>

**Subject:** RE: DOI GKM Review Clips

### **Washington Free Beacon**

<http://freebeacon.com/issues/investigators-blame-epa-in-colorado-mine-wastewater-spill/>

### **Investigators Blame EPA in Colorado Mine Wastewater Spill**

BY: Morgan Chalfant

October 22, 2015 4:53 pm

Federal investigators faulted the Environmental Protection Agency (EPA) for dumping 3 million gallons of wastewater from a Colorado gold mine into the Animas and San Juan Rivers in August.

According to investigators from the Interior Department, EPA officials could have prevented the spill.

The Associated Press reported:

The spill that fouled rivers in three states would have been avoided had the EPA team checked on water levels inside the Gold King Mine before digging into its entrance, Interior Department investigators concluded. ... EPA documents show its officials knew of the potential for a major blowout from the Gold King Mine near Silverton as early as June 2014. EPA officials described the blowout as “likely inevitable” because so much water had built up inside the mine. The Interior report directly refutes that assertion and says the cleanup team could have used a drill rig to bore into the mine from above to gauge the danger of a blowout.

Engineers from the Interior Department’s Bureau of Reclamation have been probing the incident, which occurred in early August, for two months. They concluded that the EPA’s error “led directly to the failure.”

However, investigators did not lay blame on any EPA officials in particular for the spill. The wastewater spilled into waters in Colorado, Utah, and New Mexico, resulting in halts in drinking water and crop irrigation supplies from the rivers.

The EPA inspector general is also probing the incident. Some estimate that the damage cost over \$50 billion.

**From:** Bressler, Lindsey

**Sent:** Thursday, October 22, 2015 4:50 PM

**To:** StClair, Christie <[StClair.Christie@epa.gov](mailto:StClair.Christie@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Harrison, Melissa <[Harrison.Melissa@epa.gov](mailto:Harrison.Melissa@epa.gov)>; Purchia, Liz <[Purchia.Liz@epa.gov](mailto:Purchia.Liz@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Deitz, Randy <[Deitz.Randy@epa.gov](mailto:Deitz.Randy@epa.gov)>; Cohen, Nancy <[Cohen.Nancy@epa.gov](mailto:Cohen.Nancy@epa.gov)>; Allen, Laura <[Allen.Laura@epa.gov](mailto:Allen.Laura@epa.gov)>

**Subject:** RE: DOI GKM Review Clips

**Christian Science Monitor**

<http://www.csmonitor.com/Environment/2015/1022/EPA-should-have-prevented-toxic-Animas-river-spill-federal-investigation-finds>

## **EPA should have prevented toxic Animas river spill, federal investigation finds**

The Interior Department's investigation into the Gold King Mine blowout has found that the EPA is responsible for polluting the Animas River. Some are still hopeful the pollution will spur greater environmental protection.

By Corey Fedde, Staff OCTOBER 22, 2015

A government investigation has found the US Environmental Protection Agency is at fault for a massive wastewater spill in Colorado.

The wastewater spill from a Colorado gold mine polluted rivers in three states, turning the water mustard yellow. Investigators from the US Interior Department have concluded that the EPA could have avoided such a spill if they had checked the water levels in the Gold King Mine before digging. The EPA was attempting to manage the levels within the mine to prevent the exact spill they have now been blamed for causing.

With hundreds of thousands of mines across the United States and 500,000 in the West alone, the findings and report could have wide-reaching implications.

EPA documents show that officials knew of the potential for a wastewater spill and described it as “likely inevitable.”

The report from the Interior Department disagrees. Investigators asserted that if the EPA team had drilled into the mine from above in order to test the water levels, they would have had a better idea of the danger of a blowout.



"This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure," engineers from the Interior's Bureau of Reclamation, who evaluated the blowout for months, told the Associated Press.

Environmentalists are hopeful that images of the wastewater spill will spur more action to help clean the abandoned mines and improve the environment.

They cite the 1969 Cuyahoga River, which became a visible symbol of the nation's rampant water pollution problem. The surface of the river was so contaminated with oil that it caught fire and damaged a railroad bridge. The situation spurred passing of environmental laws like the Clean Water Act.

The mustard colored waters of Cement Creek and the Animas River have the potential to provide a similar visual symbol for another generation of environmental protection laws, advocates say.

The wastewater spill "might be a great teaching moment," Judith Kohler, spokeswoman for the National Wildlife Federation office in Denver, told The Christian Science Monitor in August.

This report includes material from the Associated Press.

### **Tweets:**

**Sen. John Barrasso** **SenJohnBarrasso**

New DOI report confirms #EPA could have prevented #GoldKingMine disaster. EPA literally and figuratively blew it. <http://1.usa.gov/1W7aqrG>

**Sen. John Barrasso** **@SenJohnBarrasso**

Responsibility for #GoldKingMine disaster lands directly on #EPA's doorstep. I want to know who at the EPA will be held accountable.

**Rep. Bob Gibbs @RepBobGibbs**

My full statement on the @Interior report on Gold King Mine spill:  
<https://pbs.twimg.com/media/CR8vLw2U8AEcrq1.jpg>

**From:** Bressler, Lindsey

**Sent:** Thursday, October 22, 2015 4:44 PM

**To:** StClair, Christie <[StClair.Christie@epa.gov](mailto:StClair.Christie@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Harrison, Melissa <[Harrison.Melissa@epa.gov](mailto:Harrison.Melissa@epa.gov)>; Purchia, Liz <[Purchia.Liz@epa.gov](mailto:Purchia.Liz@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Deitz, Randy <[Deitz.Randy@epa.gov](mailto:Deitz.Randy@epa.gov)>; Cohen, Nancy <[Cohen.Nancy@epa.gov](mailto:Cohen.Nancy@epa.gov)>; Allen, Laura <[Allen.Laura@epa.gov](mailto:Allen.Laura@epa.gov)>

**Subject:** RE: DOI GKM Review Clips

**Daily Caller**

<http://dailycaller.com/2015/10/22/govt-report-raises-serious-questions-about-epas-handling-of-gold-king-mine/>

**Gov't Report Raises Serious Questions About EPA's Handling Of Gold King Mine**

MICHAEL BASTASCH

4:27 PM 10/22/2015

The Department of Interior (DOI) has released its technical review of the EPA-caused Colorado mine spill that unleashed 3 million gallons of toxic wastewater into nearby waterways last August. Interior found the spill could have been avoided had EPA been more careful.

More importantly, is the report's U.S. Army Corps of Engineer reviewer notes the "actual cause of failure is some combination of issues related to EPA internal communications, administrative authorities, and/or a break in the decision path."

In fact, the Corps reviewer blasted the Interior's review for being "non-specific regarding the source of information concerning EPA documents and interviews with EPA employees and the onsite contractor."

"[The Corps] believes that the investigation and report should have described what happened internal within EPA that resulted in the path forward and eventually caused the failure," according to a section of DOI's report describing the Corps concerns.

"The report discusses field observations by EPA (and why they continued digging), but does not describe why a change in EPA field coordinators caused the urgency to start digging out the plug rather than wait for [Bureau of Reclamation] technical input as prescribed by the EPA project leader," the report said of the Corps' concerns.

In August, EPA workers using heavy equipment caused a blowout at the Gold King Mine near the town of Silverton, Colo. More than 3 million gallons of toxic wastewater eventually made its way into the Animas River and eventually moved into waterways in Utah and New Mexico.

Republican lawmakers, state officials and Native American tribes levied heavy criticism on the EPA for the spill in the days that followed. The EPA certainly took responsibility, but tried to mitigate the blame by saying the mine blowout was small compared to mine wastewater leaks in the region that happen every year.

"Based upon 2009 – 2014 flow data, approximately 330 million gallons of contaminated water

was being discharged from mines in the Watershed each year to Cement Creek and the Animas River – 100 times more than the estimated release from the Gold King Mine on August 5,” EPA Chief Gina McCarthy told Congress last month.

Republicans, however, criticized EPA for not acting quickly enough to notify local officials of the mine blowout and for not firing those responsible.

Navajo Nation was furious with EPA for allegedly trying to swindle them out of future claims for spill damages and then providing tribal farmers with tainted water. The tribe has threatened to sue the EPA over the incident.

EPA eventually released its own assessment of the spill, claiming a mine blowout would have happened anyways. The report did acknowledge agency workers could have drilled into the mine instead of using an excavator to open it up.

Interior’s report, however, contradicts EPA’s claim that a mine blowout was imminent regardless of EPA actions. Interior investigators found that had the EPA opened the Gold King Mine the exact same way it opened the Red and Bonita Mine in 2011, a blowout would have been prevented.

“A critical difference between the Gold King plan and that used at the Red and Bonita Mine in 2011 was the use in the latter case of a drill rig to bore into the mine from above and directly determine the level of the mine pool prior to excavating backfill at the portal,” Interior noted.

“Although this was apparently considered at Gold King, it was not done,” the report found. “Had it been done, the plan to open the mine would have been revised, and the blowout would not have occurred.”

EPA and other agencies also made flawed assumptions about the amount of wastewater filling up in the mine.

“It was incorrectly concluded that the water level inside the mine was at a similar elevation [six feet above the adit floor], a few feet below the top of the adit roof,” Interior reported. “This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure.”

As for the Corps’ concerns over EPA’s internal handling of the Gold King operation, the Interior said such worries were beyond the scope of its report. Interior’s report is only a technical review of the mine blowout and not meant to assign liability.

EPA requested the Department of Interior report, Technical Evaluation of the Gold King Mine Incident, to provide an independent assessment of factors that contributed to the August 5, 2015 Gold Mine incident. EPA will carefully review the report,” EPA spokeswoman Nancy Grantham told The Daily Caller News Foundation.

This report in combination with the findings of EPA’s internal review of the incident, will help inform EPA’s ongoing efforts to work safely and effectively at mine sites as we carry out our mission to protect human health and the environment,” Grantham said

The EPA inspector general’s office is conducting its own investigation into the spill which could assign blame for the spill.

### **Associated Press (Updated 4:05 ED)**

<http://bigstory.ap.org/article/7d8b2899205646fcb5f62bc35c29554/apnewsbreak-epa-mine-spill-could-have-been-prevented>

### **Interior finds EPA caused mine spill it hoped to avoid**

By MATTHEW BROWN

Oct. 22, 2015 4:08 PM EDT

BILLINGS, Mont. (AP) — Government investigators squarely blamed the U.S. Environmental Protection Agency Thursday for a 3 million gallon wastewater spill from a Colorado gold mine, saying an EPA cleanup crew rushed its work and failed to consider the complex engineering involved, triggering the very blowout it hoped to avoid.

The spill that fouled rivers in three states would have been avoided had the EPA team checked on water levels inside the Gold King Mine before digging into a collapsed and leaking mine entrance, Interior Department investigators concluded.

The technical report on the causes of the Aug. 5 spill has implications across the United States, where similar disasters could lurk among the hundreds of thousands of abandoned mines that have yet to be cleaned up. Some estimates put the total cost of containing this mining industry mess at more than \$50 billion.

The report says the root causes of the Colorado accident began decades earlier, when mining companies altered the flow of water through a series of interconnected tunnels in the extensively mined Upper Animas River watershed.

EPA documents show its officials knew of the potential for a major blowout from the Gold King Mine near Silverton as early as June 2014. After the spill, EPA officials described the blowout as "likely inevitable" because millions of gallons of pressurized water had been bottling up inside the mine.

The Interior report directly refutes that assertion. It says the cleanup team could have used a drill rig to bore into the shaft from above, safely gauging the danger of a blowout and planning the excavation accordingly. Instead, the EPA crew, with the agreement of Colorado mining officials, assumed the shaft was only partially inundated.

"This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure," according to engineers from Interior's Bureau of Reclamation, who spent two months evaluating the technical circumstances.

The blowout fouled rivers in Colorado, Utah and New Mexico, temporarily shutting down drinking water supplies and cropland irrigation.

The report stops short of assigning fault to any individuals, despite prior claims from EPA Administrator Gina McCarthy that it would determine fault and any negligence.

A U.S. Army Corps of Engineers official whose review of the conclusions was included in the report expressed "serious reservations" over the EPA's failure to explain exactly how its communications broke down and why its officials were so insistent on starting work without more information about the complexities involved.

Richard Olsen, a senior geotechnical engineer with the Corps, also questioned why a change in the EPA field coordinator for Gold King led to an "urgency to start digging" even though another EPA official had expressed some uncertainty about the potential risks.

That second EPA official in July asked for an outside review of the agency's plans by one of the Bureau of Reclamation engineers involved in Thursday's report. A meeting between the EPA and the engineer had been scheduled for Aug. 14 — nine days after the blowout.

EPA officials pointed out that the mine plug already was leaking and could have eventually blown out anyway, and the Interior report acknowledged that this was possible.

EPA spokeswoman Nancy Grantham said the report "will help inform EPA's ongoing efforts to work safely and effectively at mine sites as we carry out our mission to protect human health and the environment."

A separate investigation into the spill is pending from the EPA Inspector General's Office.

Guidelines for cleaning up abandoned focus on details such as water sampling and treatment. Yet

they have "little appreciation for the engineering complexity," and require but don't receive significant expertise, the Interior Department's 132-page report concluded.

Plugging abandoned or inactive mines has been common industry practice for more than a century. The report lists 31 mines across the U.S. where so-called bulkheads were installed since the 1950s to stem the flow of water into or out of a mine.

With coal mines, monitoring and cleanups are funded in part by a fee companies pay, and costs are passed on to utility customers. No such arrangements exist for inoperative hard-rock mines, and that's a national problem, the report noted.

Given industry opposition to efforts to hold mine owners accountable, the cleanup has been left to a scattering of federal and state agencies, without common standards or even lists of the most problematic mines. The EPA has been left to prioritize cleanups with insufficient information and funding, the report said.

In the wake of the Gold King spill, EPA temporarily halted some work at 10 polluted mining complexes in Montana, California, Colorado and Missouri because of similar conditions.

Abandoned hard-rock underground mines are not subject to the same federal and state safety requirements other mining operations must follow, and "experience indicates that they should be," the report concluded.

"A collapsed flooded mine is in effect a dam, and failure must be prevented by routine monitoring, maintenance, and in some cases remediation. However, there appears to be a general absence of knowledge of the risks associated with these facilities. A comprehensive identification of sites, evaluation of the potential to fail, and estimation of the likely downstream consequences should failure occur, are good first steps in such an endeavor."

### **Durango Herald**



<http://www.durangoherald.com/article/20151022/NEWS01/151029862/-1/taxonomy/Independent-report-blames-EPA-for-Gold-King-spill>

## **Independent report blames EPA for Gold King spill**

*Could have been prevented, but plagued by errors*

By Peter Marcus Herald staff writer Article Last Updated: Thursday, October 22, 2015 1:50pm

DENVER – Federal investigators said Thursday that engineering errors by an Environmental Protection Agency-contracted team “led directly” to the August Gold King Mine spill.

The long-awaited report from the Interior Department, following spillage of an estimated 3 million gallons of acid mining sludge into the Animas River, also stated that the event could have been prevented.

“It was incorrectly concluded that the water level inside the mine was at a similar elevation, a few feet below the top of the adit roof. This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure,” the report by the Bureau of Reclamation states.

The Interior Department was charged with conducting an independent investigation, after national and international coverage of the event that turned the Animas River orange, shutting the river for eight days because of initial spikes in heavy metals, including lead, copper and cadmium.

The investigation revealed that the EPA team should have used a drill rig to bore into the mine from above in order to determine the level of the mine pool prior to excavation.

“Although this was apparently considered at Gold King, it was not done,” the report stated. “Had it been done, the plan to open the mine would have been revised, and the blowout would not have occurred.”

Investigators also went on to highlight the historical context of the blowout, pointing out that groundwater conditions in the upper reaches of Cement Creek have been significantly altered by the establishment of extensive underground mine workings, the extension of the American Tunnel to the Sunnyside Mine, and the subsequent plugging of the American Tunnel.

-

### **Tweets:**

#### **TIME.com @TIME**

EPA missed a chance to prevent Colorado mine spill, investigation finds <http://ti.me/1LIzIaZ>

#### **Durango Herald @DurangoHerald**

Report blames #EPA for #GoldKingMine spill, says it could have been prevented  
<https://shar.es/1uE49s> #AnimasRiver

#### **Amy Harder @AmyAHarder**

Government report: Lack of expertise on part of EPA team caused August 5 toxic mine spill into Colorado river. <http://on.wsj.com/1M8LZ7D>

#### **Manuel Quinones @ManuelQ**

Copy of Interior's report on EPA Gold King mine spill report <http://ow.ly/TJBNK> Says agency underestimated the risk of a blowout.

**From:** Bressler, Lindsey  
**Sent:** Thursday, October 22, 2015 4:18 PM  
**To:** StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Hull, George <Hull.George@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Allen, Laura <Allen.Laura@epa.gov>  
**Subject:** RE: DOI GKM Review Clips

### **Washington Times**

<http://www.washingtontimes.com/news/2015/oct/22/epa-mine-spill-was-preventable-not-inevitable/>

### **EPA mine spill was preventable, not inevitable**

By Valerie Richardson - The Washington Times - Thursday, October 22, 2015

DENVER — The Environmental Protection Agency botched the cleanup effort at the Gold King Mine by rushing to complete the job instead of taking precautions that would have prevented the disastrous toxic spill into the Animas River.

A 132-page report released Thursday by the Interior Department and Bureau of Reclamation found that the Aug. 5 accident was not “likely inevitable,” as the EPA’s own internal review had concluded, but could have been avoided if the agency had followed engineering practices used at other inactive mines.

According to the report, the agency committed a pivotal error by failing to gauge the level of wastewater behind the collapsed rock and soil at the mine, which could have been done by using a drill rig to “bore into the mine from above and directly determine the level of the mine pool prior to excavating backfill at the portal.”

Such a procedure was used successfully in a 2011 reclamation project at the nearby Red and Bonita Mine.

“Although this was apparently considered at Gold King, it was not done,” said the report. “Had it been done, the plan to open the mine would have been revised, and the blowout would not have occurred.”

The report, which was peer-reviewed by the U.S. Geological Survey and the Army Corps of Engineers, was significantly tougher on the EPA than its own internal review team, which found that the blowout “was likely inevitable” and praised the agency’s quick action afterward in avoiding fatalities.

The EPA review also defended the decision not to use a drill rig to determine the water level behind the debris, saying it “would have been quite costly and require much more planning and multiple field seasons to accomplish.”

“Although difficult and therefore expensive and technically challenging, this procedure may have been able to discover the pressurized conditions that turned out to cause the blowout,” said the EPA report.

That review, released Aug. 24, came three weeks after an EPA-led crew accidentally unleashed 3 million gallons of toxic wastewater into the Animas River near Silverton, Colorado, turning the water orange and cutting off water supplies to communities downstream.

The uproar over the spill prompted a visit and an apology from EPA administrator Gina McCarthy, as well as promises to clean up the damage and reimburse farmers, ranchers and businesses for their losses.

The more extensive Interior Department investigation also concluded that EPA officials pay too little attention to the engineering challenges associated with mining reclamation projects in their

zeal to address the environmental damage from the hundreds of abandoned mines from the Gold Rush that dot Colorado and the West.

“The current state of practice appears to focus attention on the environmental issues,” said the report. “Abandoned mine guidelines and manuals provide detailed guidance on environmental sampling, waste characterization, and water treatment, with little appreciation for the engineering complexity of some abandoned mine projects that often require, but do not receive, a significant level of expertise.”

Sen. Cory Gardner, Colorado Republican, said he was “deeply troubled” by the report’s conclusion that the spill could have been prevented.

“I fully expect accountability and transparency from the EPA, and I look forward to a response to my questions surrounding the EPA’s insufficient and untimely recovery efforts and its proactive measures to prevent a disaster of similar magnitude in the future,” Mr. Gardner said.

**From:** Bressler, Lindsey

**Sent:** Thursday, October 22, 2015 4:06 PM

**To:** StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Hull, George <Hull.George@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Allen, Laura <Allen.Laura@epa.gov>

**Subject:** RE: DOI GKM Review Clips

### **Wall Street Journal**

<http://www.wsj.com/articles/government-report-lack-of-expertise-caused-colorado-mine-spill-1445543749?alg=y>

### **Government Report: Lack of Expertise Caused Colorado Mine Spill**

*Interior Department report says team contracted by EPA underestimated toxic water built up inside mine*

By AMY HARDER And DAN FROSCH

Oct. 22, 2015 3:55 p.m. ET

WASHINGTON—The U.S. government has concluded that a lack of technical expertise was the driving factor behind a rupture that spilled three million gallons of toxic water into a Colorado river in August as the Environmental Protection Agency was trying to clean up an abandoned gold mine.

Interior Department investigators said in a report Thursday that a project team contracted by the EPA didn't correctly analyze the status of the abandoned mine, underestimating the toxic water that had built up inside.

"This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure," according to the report, written by officials at the department's Bureau of Reclamation.

The document, the first comprehensive federal report on the Aug. 5 mine blowout, directly blames EPA, which has apologized for the accident. But it also said a series of events over decades contributed to the circumstances at the mine, which are similar to those at other abandoned mines across the West.

The Interior Department's findings echo a preliminary report EPA issued a few weeks after the spill, which also concluded the agency underestimated the amount of water built up in the mine.

Nancy Grantham, a spokeswoman for EPA, said the agency will review the report.

“This report, in combination with the findings of EPA’s internal review of the incident, will help inform EPA’s ongoing efforts to work safely and effectively at mine sites,” Ms. Grantham said in an email.

The three million gallons of toxic water that spilled from the abandoned gold mine turned Colorado’s Animas River a mustard hue, and for days it tainted the water supply of many downstream users, including farmers and the Navajo nation.

EPA Administrator Gina McCarthy, who was criticized for not responding more quickly, toured the affected areas a week after the rupture and suspended similar investigative fieldwork at mine sites nationwide.

Thursday’s report presented a grim snapshot of the nation’s broader effort to clean up abandoned mines, of which there are thousands across the West.

“The incident at Gold King Mine is somewhat emblematic of the current state of practice in abandoned mine remediation,” according to the report. “The conditions and actions that led to the Gold King Mine incident are not isolated or unique, and in fact are surprisingly prevalent.”

The report finds that abandoned mine guidelines and manuals, a patchwork of documents spread out across federal and state governments, provide guidance with “little appreciation for the engineering complexity of some abandoned mine projects that often require, but do not receive, a significant level of expertise.”

In its report, the Interior Department didn’t name the contractor, Environmental Restoration LLC, that was working with EPA to clean up the mine.

### **Tweets**

**Matt Dempsey @MDempseyDC**

Interior report: lack of understanding of mine engineering issues "led directly" to EPA's mine spill in Colorado reports @alexsguillen

**Anthony Adragna @AnthonyAdragna**

EPA mine spill could have been prevented. <http://bit.ly/1MGR8EE>

**Grace Hood @gracehood**

[@Interior's](#) independent review of #goldkingmine spill is out today:  
<http://www.usbr.gov/docs/goldkingminereport.pdf>

**Denver CO @DenveRRCO**

Gold King review: EPA did not understand disaster potential before spill  
<http://www.rightrelevance.com/search/articles/hero?article=13d2479e84582166f15bfd07b2c88e06df0d7b37&q>

**Timothy Cama @Timothy\_Cama**

From Gold King Mine report, this seems to give some credit to the 'likely inevitable' angle  
<https://pbs.twimg.com/media/CR8eslcUAAAhubA.png>

**Douglas County GOP @DougCOGOP**

[@EPA](#) mine spill could have been prevented at Gold King mine #copolitics #StopTheEPA  
[http://www.denverpost.com/ci\\_29007932/apnewsbreak-epa-mine-spill-could-have-been-prevented](http://www.denverpost.com/ci_29007932/apnewsbreak-epa-mine-spill-could-have-been-prevented)

**Josh Voight @JoshVoightNews**

The @EPA says the Colorado mine spill was preventable. NO WAY! I can't believe it!



**The Hill @thehill**

Federal probe: EPA could have prevented Colorado mine spill <http://hill.cm/DkYVmf>

**From:** Bressler, Lindsey

**Sent:** Thursday, October 22, 2015 3:56 PM

**To:** StClair, Christie <[StClair.Christie@epa.gov](mailto:StClair.Christie@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Harrison, Melissa <[Harrison.Melissa@epa.gov](mailto:Harrison.Melissa@epa.gov)>; Purchia, Liz <[Purchia.Liz@epa.gov](mailto:Purchia.Liz@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Deitz, Randy <[Deitz.Randy@epa.gov](mailto:Deitz.Randy@epa.gov)>; Cohen, Nancy <[Cohen.Nancy@epa.gov](mailto:Cohen.Nancy@epa.gov)>; Allen, Laura <[Allen.Laura@epa.gov](mailto:Allen.Laura@epa.gov)>

**Subject:** RE: DOI GKM Review Clips

**Durango Herald (CO)**

<http://www.durangoherald.com/article/20151022/NEWS01/151029863/Mining-reclamation-requires-funding->

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**Mining reclamation requires funding**

*Panel advocates for both good samaritan measure and funding*

By Peter Marcus Herald staff writer Article Last Updated: Thursday, October 22, 2015 1:25pm

Water flows out of the American Tunnel in the Gladstone area north of Silverton where the Animas River Stakeholders Group wants to eliminate toxic waste from four closed mines.

Mining reclamation experts this week told a congressional panel that good samaritan legislation and funding for restoration efforts are “inseparably tied together.”

The comments came during a hearing Wednesday on good samaritan cleanups of abandoned mines, held by the House Subcommittee on Water Resources and Environment.

Much of the hearing focused on the August Gold King Mine spill, in which an error by an Environmental Protection Agency-contracted team caused an estimated 3 million gallons of mining sludge to pour into the Animas River.

In the wake of the Gold King incident, Congress has taken a look at how to address tens of thousands of inactive leaking mines across the nation. At least 23,000 mines have been identified in Colorado alone.

The debate has hit familiar political currents, with Republicans pushing back against efforts to collect fees and royalties from hard-rock mining to fund restoration efforts. Instead, the GOP favors legislative efforts to eliminate liability concerns for private entities – referred to as good samaritans – who want to independently restore inactive mines.

But experts who have been actively involved in the debate said the two proposals are not mutually exclusive, suggesting that there is a need for both efforts.

“The lesson from Gold King is not so much that an EPA contractor screwed up, as it is that we need to have a much greater sense of urgency about addressing the problem of pollution from abandoned mines all across the nation,” said Chris Wood, president and chief executive of Trout Unlimited.

Republicans on the committee pushed back, highlighting that good samaritan legislation might be the only pragmatic thing to consider.

“Would you prefer having no cleanup be performed at an abandoned mine site, or having a good samaritan perform a cleanup?” asked Rep. Todd Rokita of Indiana.

Lauren Pagel, policy director for Earthworks, said it is not an either/or conversation.

“I would hope we could also get good samaritans additional funding from reclamation funds to do these cleanups,” Pagel said.

Doug Young, senior policy director for the Keystone Policy Center in Colorado, cautioned against repeating the same discussions from the past, encouraging lawmakers to steer away from addressing the issue through the Clean Water Act.

Instead, Young suggested taking a look at reforms to the federal Superfund program, which targets blighted areas. He also advocated for offering incentives to good samaritans to bring their own resources.

“I agree this is a major funding issue,” Young said. “I just think there’s a way we can do this without directly having to assess a fee or royalty.”

**From:** Bressler, Lindsey

**Sent:** Thursday, October 22, 2015 3:02 PM

**To:** StClair, Christie <[StClair.Christie@epa.gov](mailto:StClair.Christie@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Harrison, Melissa <[Harrison.Melissa@epa.gov](mailto:Harrison.Melissa@epa.gov)>; Purchia, Liz <[Purchia.Liz@epa.gov](mailto:Purchia.Liz@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Deitz, Randy <[Deitz.Randy@epa.gov](mailto:Deitz.Randy@epa.gov)>; Cohen, Nancy <[Cohen.Nancy@epa.gov](mailto:Cohen.Nancy@epa.gov)>; Allen, Laura <[Allen.Laura@epa.gov](mailto:Allen.Laura@epa.gov)>

**Subject:** RE: DOI GKM Review Clips

### **Denver Post (CO)**

[http://www.denverpost.com/news/ci\\_29008075/gold-king-review-epa-did-not-understand-disaster](http://www.denverpost.com/news/ci_29008075/gold-king-review-epa-did-not-understand-disaster)

## **Review: Gold King Mine spill was preventable, disaster potential not understood**

*Department of Interior review says EPA did not know what loomed in the Gold King*

By Jesse Paul

POSTED: 10/22/2015 12:28:11 PM MDTADD A COMMENT| UPDATED: ABOUT 2 HOURS AGO

The 132-page Department of Interior report strays from an EPA internal review of the disaster in August that claimed the massive release was "inevitable."

The Interior report highlights, specifically, that the EPA failed to understand impounded fluid in the mine and the groundwater system affecting the Gold King area.

That "misinterpretation of the groundwater conditions," and the decision not to drill into the mine's collapsed opening to test pressure, led to the massive release. Had the drilling been completed as it was at a nearby mine, the report says, the disaster would not have happened.

"Although this (drilling) was apparently considered at Gold King, it was not done," according to the review. "Had it been done, the plan to open the mine would have been revised, and the blowout would not have occurred."

The interior department's report also says the EPA also did not know the potential for disaster at the site and the possible environmental impacts downstream.

"The incident at Gold King Mine is somewhat emblematic of the current state of practice in abandoned mine remediation," according to the report.

While there are various guidelines for mine reopening work, there is "little in actual written requirements that government agencies are required to follow," the review said.

The 3 million-gallon spill above Silverton on Aug. 5 left the EPA facing immense criticism as yellow-orange contaminants flowed from the Animas River across the southwest. In the disaster's wake, the agency has been working to address the still-leaching mine and other area portals that are releasing contaminants.

The interior department's report was peer reviewed by the United States Geological Survey and Army Corps of Engineers.

The EPA last week began temporary water treatment operations at the Gold King site last week.

This is a developing story that will be updated as more information becomes available.

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### **The Hill**

<http://thehill.com/policy/energy-environment/257780-federal-probe-epa-mine-spill-was-preventable>

### **Federal probe: EPA mine spill was preventable**

By Timothy Cama - 10/22/15 02:51 PM EDT

Federal experts are blaming the Environmental Protection Agency (EPA) for a major mine wastewater spill in Colorado.

Investigators with the Interior Department, who were charged with independently probing the

August spill, reported Thursday that the EPA rush through the engineering work leading up to the incident and did not understand the complexity of the abandoned Gold King Mine.

The Thursday report contrasts with one completed in August by the EPA, finding that the blowout of 3 million gallons of dangerous sludge was “likely inevitable.”

Interior’s Bureau of Reclamation found that the EPA, Colorado officials and a contractor decided against drilling a borehole horizontally into the mine, above the pooled wastewater, to determine its volume and pressure.

“This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure,” the report said.

The EPA was roundly criticized after the spill by officials in Colorado and Utah and congressional Republicans, who said the incident showed incompetence and hypocrisy on the EPA’s part.

The heavy metal-laden sludge flowed into a tributary of the Animas River near Silverton, Colo., turning it bright orange and closing it and downstream rivers for days. The agency and its head Gina McCarthy quickly took responsibility for the spill.

The EPA, which requested the report days after the spill, said it would review it carefully.

“This report in combination with the findings of EPA’s internal review of the incident, will help inform EPA’s ongoing efforts to work safely and effectively at mine sites as we carry out our mission to protect human health and the environment,” spokeswoman Nancy Grantham said.

Thursday’s report additionally found that spills similar to the Colorado mine could easily happen.

“BOR found that the conditions and actions that led to the Gold King Mine incident are not isolated or unique and are, in fact, surprisingly prevalent,” the report said. “The standards of practice for reopening and remediating flooded inactive and abandoned mines are inconsistent from one agency to another.”

Richard Olson, an engineer with the Army Corps of Engineers who reviewed the report before it was released, told investigators that he wanted to investigate more about how communications at the EPA broke down about the mine cleanup, and how that contributed to the incident.

But Interior argued that its report should only cover the technical aspects of the spill, so it did not probe communications.

### **Washington Examiner**

<http://www.washingtonexaminer.com/feds-say-epa-to-blame-for-toxic-spill/article/2574710>

### **Feds say EPA to blame for toxic spill**

By JOHN SICILIANO • 10/22/15 2:38 PM

The Interior Department is blaming the Environmental Protection Agency for a 3-million gallon spill of toxic sludge that sullied the waterways of three states.

Government investigators say the spill at the King Gold Mine in Colorado was caused when a cleanup crew rushed its work, triggering the blowout it hoped to avoid, the Associated Press reported, which obtained a copy of the agency's report on the investigation.

The probe by the Interior Department found the spill would have been avoided if the EPA had checked on the water levels before digging into the mine, according to AP.

The findings will be released later Thursday.

The report is being issued after House Republicans held a hearing Wednesday on the spill, prodding an EPA official on why no one at the agency has been disciplined or fired for causing the disaster.

### **Tweets**

#### **Chicago Tribune @chicagotribune**

Investigators: EPA to blame for 3 million gallon wastewater spill from Colorado gold mine  
<http://trib.in/1GX3978>

#### **Rep. Bob Gibbs @RepBobGibbs**

The Gold King Mine spill could have been prevented according to @Interior, EPA must hold those involved accountable <http://abcnews.go.com/US/wireStory/apnewsbreak-epa-mine-spill-prevented-34658258>

#### **Colorado Senate GOP @ColoSenGOP**

Latest from @AP on #EPA spill probe:  
[http://www.denverpost.com/news/ci\\_29007932/apnewsbreak-epa-mine-spill-could-have-been-prevented?source=top\\_stories\\_bar](http://www.denverpost.com/news/ci_29007932/apnewsbreak-epa-mine-spill-could-have-been-prevented?source=top_stories_bar) Says fiasco could have been prevented. #copolitics @epa #tcot

#### **1sergeant rock @1sergeant\_rock**

Should we expect more from this administration ~ Has EPA fired anyone for last summer's toxic spill?

[http://www.americanthinker.com/blog/2015/10/has\\_epa\\_fired\\_anyone\\_for\\_last\\_summers\\_toxic\\_spill.html#.Vikt](http://www.americanthinker.com/blog/2015/10/has_epa_fired_anyone_for_last_summers_toxic_spill.html#.Vikt)  
#MakeDCListen



**Denver Post Breaking @DenverPostBrk**

Gold King review: EPA did not understand disaster potential before spill <http://dpo.st/1PDFY9Z>

**CO Attorney General @COAttnyGeneral**

Gov investigators blame #EPA for #GoldKingMine spill, according to new report. Says officials knew potential for blowout. #AnimasRiverSpill

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**From:** Bressler, Lindsey

**Sent:** Thursday, October 22, 2015 2:27 PM

**To:** StClair, Christie <[StClair.Christie@epa.gov](mailto:StClair.Christie@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Harrison, Melissa <[Harrison.Melissa@epa.gov](mailto:Harrison.Melissa@epa.gov)>; Purchia, Liz <[Purchia.Liz@epa.gov](mailto:Purchia.Liz@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Deitz, Randy <[Deitz.Randy@epa.gov](mailto:Deitz.Randy@epa.gov)>; Cohen, Nancy <[Cohen.Nancy@epa.gov](mailto:Cohen.Nancy@epa.gov)>

**Subject:** RE: DOI GKM Review Clips

**Tweets**

**ABC15 Arizona @abc15**

EPA mine spill could have been prevented, government investigators say <http://bit.ly/1LIqnjt>  
#abc15

**The Associated Press @AP**

BREAKING: APNewsBreak: Government probe concludes EPA missed chance to prevent Colorado mine spill.

**Reclamation @usbr**

Interior Department Delivers Gold King Mine Technical Assessment to Environmental Protection Agency. <http://on.doi.gov/1Mc3avw> #GoldKingMine

**Linda Shapley @LindaShapley**

Interior Department probe blames EPA actions for #GoldKing mine spill <http://dpo.st/1RqNGS6> via @denverpost

**Justin Regan @JustinReganAZ**

@AP reports: DOI says the Gold King Mine spill could have been avoided if EPA checked water levels before digging.

**The Denver Post @denverpost**

JUST IN: Investigators squarely place blame for Gold King Mine spill on EPA: <http://dpo.st/1GteWPq> via @AP

**Jon Sicil @JohnDSiciliano**

EPA to blame for toxic spill in Colorado, says @Interior. Investigation being released soon.

**Alan Neuhauser @alneuhauser**

The Interior Dept. investigation "directly refutes" EPA officials' claim that the spill was "likely inevitable"

**7NEWS Denver Channel @DenverChannel**

Gold King Mine spill in Silverton could have been prevented by EPA, Interior Dept. review finds - <http://www.thedenverchannel.com/news/mine-disaster/gold-king-mine-spill-in-silverton-could-have-been-prevented-by-epa-interior-dept-review-finds>

**Rep. Bill Huizenga @RepHuizenga**

BREAKING: EPA faulted for mine spill in Colorado, federal investigators say spill could have been prevented <http://bigstory.ap.org/article/7d8b2899205646fcbe5f62bc35c29554/apnewsbreak-epa-mine-spill-could-have-been-prevented> #tcot

**The Washington Times @wtimespolitics**

APNewsBreak: Government probe concludes EPA missed chance to prevent Colorado mine spill  
<http://ow.ly/35ZiWc>

**From:** Bressler, Lindsey

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**To:** StClair, Christie <[StClair.Christie@epa.gov](mailto:StClair.Christie@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Harrison, Melissa <[Harrison.Melissa@epa.gov](mailto:Harrison.Melissa@epa.gov)>; Purchia, Liz <[Purchia.Liz@epa.gov](mailto:Purchia.Liz@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Deitz, Randy <[Deitz.Randy@epa.gov](mailto:Deitz.Randy@epa.gov)>; Cohen, Nancy <[Cohen.Nancy@epa.gov](mailto:Cohen.Nancy@epa.gov)>

**Subject:** RE: DOI GKM Review Clips

**Associated Press (Update at 2:01 pm – Longer Story)**

<http://bigstory.ap.org/article/7d8b2899205646fcbe5f62bc35c29554/apnewsbreak-epa-mine-spill-could-have-been-prevented>

BILLINGS, Mont. (AP) — Government investigators squarely blamed the U.S. Environmental Protection Agency Thursday for a 3 million gallon wastewater spill from a Colorado gold mine, saying an EPA cleanup crew rushed its work and failed to consider the complex engineering involved, triggering the very blowout it hoped to avoid.

The spill that fouled rivers in three states would have been avoided had the EPA team checked on water levels inside the Gold King Mine before digging into its entrance, Interior Department investigators concluded.

The Associated Press obtained the findings on the Aug. 5 spill on Thursday prior to their public release. The report has implications across the United States, where hundreds of thousands of abandoned mines have yet to be cleaned up.

The report found that the root causes of the accident began several decades earlier, with changes made by mining companies that altered the flow of groundwater through a series of interconnected tunnels in the extensively mined Upper Animas River watershed.

EPA documents show its officials knew of the potential for a major blowout from the Gold King Mine near Silverton as early as June 2014. EPA officials described the blowout as "likely inevitable" because so much water had built up inside the mine.

The Interior report directly refutes that assertion and says the cleanup team could have used a drill rig to bore into the mine from above to gauge the danger of a blowout.

"This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout, but instead led directly to the failure," according to engineers from Interior's Bureau of Reclamation who spent two months evaluating the technical circumstances surrounding the accident.

The engineers stopped short of assigning fault to any individuals, despite prior claims from EPA Administrator Gina McCarthy that the probe would determine if any negligence was involved.

A U.S. Army Corps of Engineers official who reviewed the report expressed "serious reservations" over the EPA's failure to explain exactly how its communications broke down, or to justify why its officials were so insistent on starting the work without more information about the engineering complexities involved.

A separate investigation into the spill is pending from the EPA Inspector General's Office.

EPA officials did not immediately respond to a request for comment on the report.

The accident fouled rivers in Colorado, Utah and New Mexico, temporarily shutting down drinking water supplies and cropland irrigation.

Guidelines for cleaning up such mines focus on details such as water sampling and treatment. Yet they have "little appreciation for the engineering complexity" and require but don't receive significant expertise, the Interior Department's 132-page report concluded.

**From:** Bressler, Lindsey

**Sent:** Thursday, October 22, 2015 2:18 PM

**To:** StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Hull, George <Hull.George@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>

**Subject:** RE: DOI GKM Review Clips

**ABC 7 News, The Denver Channel (CO)**

<http://www.thedenverchannel.com/news/mine-disaster/gold-king-mine-spill-in-silverton-could-have-been-prevented-by-epa-interior-dept-review-finds>

**Gold King Mine spill in Silverton could have been prevented by EPA, Interior Dept. review finds**

Deb Stanley, TheDenverChannel.com Team

12:09 PM, Oct 22, 2015

SILVERTON, Colo. - Government investigators are blaming the U.S. Environmental Protection

Agency for a 3 million gallon wastewater spill from a Silverton gold mine, saying a cleanup crew rushed its work and failed to consider the complex engineering involved, triggering the very blowout it hoped to avoid.

The Interior Department probe concludes that the spill that fouled rivers in three states would have been avoided had the EPA team checked on water levels before digging into the mine.

The Associated Press obtained the investigation's findings on the spill prior to their public release on Thursday. The 132-page report has implications across the United States, where hundreds of thousands of abandoned mines have yet to be cleaned up.

#### Timeline of spill

Documents and photos released by the Environment Protection Agency (EPA) in late August show how a small leak at the Gold King Mine exploded into a massive spill in a matter of minutes.

The EPA admitted crews were lucky to escape with their lives.

A private contractor was trying to pipe contaminated water from the Gold King Mine to a nearby water treatment system when the spill happened on August 5.

Crews were using heavy equipment to remove loose dirt above the entrance of the collapsed mine on the morning of the spill, the documents show.

According to a detailed timeline from the EPA, at 10:51 a.m. "a small leak was observed approximately 15 to 20 feet above the anticipated elevation of the floor of the wall."

Within three minutes, at 10:54 a.m., "the hole begun to enlarge and water was pouring out."

Four minutes later at 10:58 a.m., the timeline stated "the hole had expanded significantly" and the "access road had begun to wash away" as three million gallons of mine waste poured out.

IN-DEPTH: Complete, ongoing coverage of the disaster

A vehicle belonging to the crew members was caught in the yellow-orange mine sludge, the documents showed.

As the spill was happening, it took the contractor more than an hour to notify anyone downstream including the EPA.

Crews were able to evacuate the mine site in time but said in an email to the EPA that there was no cell or satellite service. They had to use two-way radios to reach nearby crews. Those crews then got in touch with the state who made the proper notifications.

At about 2:00 p.m., the report stated the "flow steadily declined" and crews were able to reconstruct the road.

The EPA has said it did not have an emergency plan in place in case of a blowout, which may have played a role in why it took so long for crews to notify the state.

Lawmakers grill the EPA

Lawmakers have had several hearings since the spill. On September 16, EPA Chief Gina McCarthy defended the EPA's actions, but took responsibility for the Aug. 5 spill.

"This was a tragic and unfortunate incident and EPA has taken responsibility to ensure that we clean it up appropriately," said McCarthy.

"This is a disaster on many levels to our water, to our economy, to our culture," said Sen. Tom Udall (D-NM).

"There's no denying they caused this spill and that was entirely unacceptable," said Sen. Michael Bennet (D-Colo).

Cleanup at the Gold King Mine could end up costing taxpayers more than a billion dollars.

**From:** Bressler, Lindsey

**Sent:** Thursday, October 22, 2015 2:03 PM

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**Subject:** DOI GKM Review Clips

### **Associated Press**

<http://bigstory.ap.org/article/7d8b2899205646fcbe5f62bc35c29554/apnewsbreak-epa-mine-spill-could-have-been-prevented>

### **EPA mine spill could have been prevented**

By MATTHEW BROWN

Oct. 22, 2015 1:49 PM ED



BILLINGS, Mont. (AP) — Government investigators squarely blame the U.S. Environmental Protection Agency for a 3 million gallon wastewater spill from a Colorado gold mine, saying a cleanup crew rushed its work and failed to consider the complex engineering involved, triggering the very blowout it hoped to avoid.

The Interior Department probe concludes that the spill that fouled rivers in three states would have been avoided had the EPA team checked on water levels before digging into the mine.

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